

Closed Caption Log, Council Meeting, 10/06/11

Note: Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes.** For official records, please contact the City Clerk at 974-2210.

Good morning, I'm austin mayor lee leffingwell, we will begin with the invocation from the south austin church of the nazarene, please rise.

Our god we come before you this morning giving thanks for this glorious day. We thank you for the change of weather that you have given us. Lord, I am here surrounded by people who serve, we thank you for being able to serve you. With this privilege, comes great responsibility. So father I just pray that you will give guidance, you will give words of wisdom in everything that will be taking place today. That you lead everything, lord, we put ourselves at your hands and your feet, that you continue to use us as we serve the city of austin. We thank you for what you are doing with it and we just hope that things will continue to get better. In jesus name we pray, amen.

Amen. Please be seated. We're still working on our consent agenda. But I'll go ahead and call this meeting of the austin city council to order on THURSDAY, OCTOBER 6th, 2011. we're meeting in the council chambers, austin city hall, 301 west willie nelson boulevard, austin, texas. In with the changes and corrections, begin with the changes and corrections, council, I don't think that I have ever seen this before, but there are no changes or corrections to today's agenda. Our time certain items for 30, morning briefings, the first austin energy, austin energy's quarterly briefing and second an urban park stakeholder briefing. 00 noon, we will begin our citizens communications. At 2:00, our zoning matters. , our public 30, our live music and proclamations and the featured musician today is lex land. City clerk, are we still working on that list? Okay. The consent agenda for today is items 1 through 70 and there will be several items pulled. From that agenda, I will go over those in a minute. First I want to read item 52, which will remain on consent. That is our appointments to boards and commissions and waivers for those appointments. To the austin music commission, heather wagner reed is councilmember morrison's nominee. To the building and standards commission, dr. evelyn bebe. Construction advisory committee, robert drake, councilmember morrison's nominee. Nominees to intergovernmental bodies to the austin travis county integral care board of trustees, martha martinez is mayor leff appointee. We will pause a manuscript -- we will pause' just a minute here to get the final word on which items will be pulled off the consent agenda. While we're waiting on that, 4 is off the consent agenda pulled by myself. And -- and also item 7, 42 and 47 pulled by councilmember tovo and item 61 pulled by councilmember morrison.

Mayor?

Councilmember morrison?

Morrison: Would this be an appropriate time to make the request that item 61, which has been pulled, that we identify a time certain, which means no earlier than ? Councilmember tovo and I had discussed that request.

Mayor Leffingwell: Yes, we'll note that 61 is pulled off the consent agenda and will be held at a time

certain of -- of 1:30 p.m. Which means after 1:30.

Martinez: Mayor?

Mayor Leffingwell: Councilmember morrison?

I would also -- you don't like this dead air, here?

Morrison: I don't. Why not take advantage of it. 13 did I hear you say that that was postponed by staff?

Mayor Leffingwell: No. Then I would like to pull that off consent.

Item 13 also pulled by councilmember morrison. While we're finalizing items pulled off the consent agenda, I will state that we'll continue to follow the procedure, interpretation by our law department and by the council, that we have agreed on the last few meetings, but at the same time councilmember morrison and I are going to pull together an effort to begin to clarify the existing regulation on speakers and perhaps revise it at the same time and that will be coming in the near future. To eliminate the confusion that we have today and the last few meetings.

Cole: While we have dead air, I would like to 57 for a short question or two.

Mayor Leffingwell: Duly noted. Okay, those items pulled off the consent agenda, I will go over them again since it changed from the original announcement. Items pulled by the council 4, by mayor 13 by councilmember morrison, item 7, 42 and 47 by councilmember tovo, and item 61 by councilmember morrison, item 57, by councilmember morrison. And -- councilmember morrison? Sell man. Did I say -- spelman, did i say morrison? Thank you. All right. So those items pulled off consent due to speakers seemed up will be items 2, 5, 12, 17, 18, 26, 30, 41, 56 and 58. Those items would go together. 59 And 60. Those are the items pulled off the consent agenda. With that I entertain a motion to approve the consent agenda, with items 1 through 70 with the items noted removed. Councilmember morrison makes the motion, seconded by the mayor pro tem. All in favor say aye.

Aye.

Opposed say no. Passes on a vote of 7-0. Council, without objection i will go directly to item 12, it has a number of people signed up to speak. Could -- could I ask folks to hold the conversations down in the back, please. 12, first speaker is clay defoe.

Good morning, ladies and gentlemen. I stand before you here today to rise in support of this resolution authorizing th 2012 election date. Last year I proudly stood here as one of a few, three to be exact, number of citizens speaking up on this most dangerous idea ever considered by an austin city council. I told the city council at the last meeting that our resolution to move the elections to november would be bordering on dictatorship. That's right. If elections are moved to november, it means that the consent of the government means nothing. Elected officials have the right to expend their term arbitrarily, despite the inherent conflict of interest and to do so with even not as much as a city-wide referendum. This preposterous notion flaunt the purpose in the meanings of elections. The paladium in other representative democracy. These members ran knowing well that the date would end ON JUNE 15th, 2012, MAYOR Leffingwell and three councilmembers end on the date. It was set years ago before these members even chose to run for city council or mayor. Is that three year period of their terms and their oaths to serve their complete term all of a sudden obsolete? Can a city council series of votes to extend members terms arbitrarily six months without even the vote of the city of austin promote our time-honored democratic institutions. No, I will not allow it. I will not live under a government that tyrannically extends it's own people with no -- as a citizens of the united states, I am assured by article 4, section 4 of constitution, the rights to live under "a republican form of " it is my sincere belief that an arbitrary

extension of the mayor's and the three councilmembers terms would violate that right. And would prove that american governments have waivered so far from their original stated and defined purposes that there -- that we will be more apt to call our governments monarchies, our mayors magesties and our rurals overlords. Even for a period of six months to govern without consent is to destroy the social compact. And when the government becomes destructive to these ends, it is the rights of the people to alter or abolish it. Attempting to move the 2012 elections to november 2012 is a dangerous precedent. Ripe with folly and destitute of the fruits of a free and democratic society. As your constituent living in austin, texas, I here by instruct you to vote yes on this item. Thank you. Next speaker is anna sanchez. Donating time is andy martinez. So you will have up to six minute.

Good morning. I'm here representing the greater austin hispanic chamber of commerce's board chair. November elections will mean increased voter participation. Let me just say that again. November elections will mean increased voter participation. It will save the city administrative electoral costs as identified by travis county election offices. The recent action by a.c.c. Trustees will increase the savings. This makes sense for our city now. And there is no need to delay this action any further. Given the important issues up for the electorate in 2012, we strongly encourage the city council to make a statement as allowed by sb 100 in support of broader civic engagement from as many austinite as possible. It's the right thing to do. Thank you very much.

Mayor Leffingwell: Thank you. Holly heinrich. Holly HEINRICH. Also signed up against.

Hi, my name is holly heinrich, a student at the university of texas, an officer in texas democrats and a member of student government. I'm here to speak for students today. Holding the elections in may disenfranchises student's ability to vote in city council elections because may is during our finals and then in the runoff is in june, many students have gone home for the summer so they are unable to participate in those. Voter turnout for november with students is very high. We've historically gotten a lot of students out to vote during that time. The students are interested. They have a big stake in the city council and the decisions of the city council. And holding the elections when students are gone just completely prevents our participation. So I encourage you to -- to move the elections to november. Students will be informed, we will be getting the students out to vote. It's the right thing to do. Thank you for your time.

Mayor Leffingwell: Thank you. Next speaker is mary arnold. Signed up for.

Mayor leffingwell and members of the city council, I did not really intend to be here to speak today, but I have been looking at some emails from the league of women voters about the proposals with regard to single member districts. I've been looking at some information and thinking back and it seems to me that the date of the city council election is tied in with our form of city government and with the discussions that we will be having with regard to single member districts and geographic areas. Seems to me that we ought to be thinking about the history of why we have the city government as we do today. Why are city councils, why is our city council election a non-partisan election. Why do we have a city manager? What is it that we can learn from the past in terms of how our government is set up that will help us in -- in taking a look at that governmental structure and working out ways in which to make it operate better for us in the future. I think that needs the participation of citizens in charter revision discussions, and in discussions of -- the single member districts as well as the time of the vote for the city council. I appreciate what the young lady from the university said about the students and their participation. And am reminded, of course, back in the '60s and '70s, we didn't have that problem because school lasted until june when it's supposed to. [Laughter] so, you know, maybe we can persuade the university to last a little bit longer. But with our early voting possibilities, I think that can be worked around. But please -- please support this -- this opportunity to -- to leave it in may, and allow discussions of moving it to november to be in a format and a framework that more people can join in, not only about the date of the election, but about redistricting. Thank you very much.

Spelman: Mayor? Mary, I would like to ask you a question if I could. You asked some real good

questions about may and november and the council manager form of government as opposed to a strong mayor form of government with partisan elections. You asked some good questions, but you didn't give any answers. I wonder if you tried to answer your own questions. How is it that we decided to do this in may and not in november? Why is that tied to the --

I'm not exactly sure. But the -- the idea of non-partisan city council elections is tied in with the council manager form of government as far as I know. That when -- when the council manager form of government was talked about and -- and formulated and the -- you know, the national association of city managers or municipal league, something or another, came up with some model city charters for the council manager form of government. The idea of having those elections be non-partisan was certainly part of that draft or model city charter. So -- so perhaps the non-partisan part of it led to having the may elections to distinguish from the november. I'm not sure. But I think that we ought to look and find out.

Spelman: Thank you, mary. One more question. A few months ago, mayor leffingwell and then mayor pro tem martinez and I put forward a proposal for the charter election commission to take a look at that would urge them to consider moving our elections to november of odd numbered years. So that it would still be in november, we would get the -- of november, students being in town and so on, but we would not be competing with partisan elections. We have a clear separation between the partisan elections in even numbered years and ours in odds. Do you think that would be consistent with the council manager form of government as you understand it?

I don't know. I haven't really looked at it that closely at this point in time. The -- the legislative action to allow this move really hasn't been talked about that closely, that -- that much. So I think more discussion needs to take place.

Spelman: Good enough, thank you very much.

Cole: I have a question.

Mayor Leffingwell: Couple more questions for you. Mayor pro tem.

Cole: arnold, mary, I know that you are not here to speak on behalf of the league of women voters. But you mentioned that you received some emails from them. I think it would be very helpful to this body and the community in general if you could share any of that information.

That was just about the single member districts and not about the election date.

Cole: Okay.

But it was that discussion that prompted me to think about the council manager form of government and to go back and read a little book that I have that reminded me of the tie-in between the model city manager charter and the non-partisan stop you city council elections.

Cole: Let me ask you one more question. I know that you have been involved with city hall for a long time and also involved with the legislature. Have you ever known a situation where there is conflict between the legislature and city hall.

In my opinion, if we're going to have our local city government, local what do we call it, home rule, then the legislature does set out what a city can do on its own. Now, we have one situation where the city council has decided to ignore the city charter. And that's with regard to voter approval of revenue bonds. And that began to happen back in the '80s with the funding for the south texas nuclear project.

Cole: Did you know there was a court case in connection with that.

Yes.

Cole: You know there's been no court case in connection with this.

Right. Tha -- that's not my point. My point is that we have our city charter and my desire would be for us to follow that charter. And to involve the citizens in proposals to change the charter. But not for the council to change it without the citizens getting an opportunity to vote.

Cole: Thank you, mary.

Thank you.

Mayor Leffingwell: I have a couple. Mary? I have a question for you. I understand the -- the partisan, non-partisan issue. But for me the issue of moving elections to november is the voter turnout. I believe that the more voters -- the higher the voter turnout, the more democracy there is in that election. We're talking about -- about just to use round numbers, a historic turnout in the last few years in may, of about 10%. Give or take. As high as 12, 13, maybe 15% tops. And we're talking about a november election where we can reasonably expect 60 to 65% turnout. To me, that alone is reason enough to want to move to november and we want to do it as soon as possible. I appreciate the notion that -- that it would be good to have voters vote on doing that, but we don't have that opportunity. There's no election that can be scheduled before may by state law to make that decision. We have the opportunity under sb 100 to do it. The opportunity and authority to do it. And I think that is paramount issue. Do you think turnout enters into your thinking on this at all?

Certainly turnout is important. But nobody has mentioned this morning, I don't think, the november elections usually allow a straight party ticket vote. How many people vote a straight party ticket? I don't know those figures, but I think we ought to know those. Will the city council candidates be listed at the top of the ballot before you get to those party votes?

Mayor Leffingwell: We have been told that they would be. All the local elections and candidate elections, council, school board, , which by the way is already switched to november, and any potential charter revisions and bond initiatives will be voted on before you get to the partisan part of the ballot.

I think those are some very important decisions. And it's a little bit scary to think of everything that would be piled on that november ballot. Thank you.

Mayor Leffingwell: And -- and just to follow-up on the league of women voters issue, being a member, of the league of women voters myself, I know what that's about. The league has previously endorsed a hybrid system. A number of geographic districts plus some at-large members. They want to ask the membership if they would also support a district-only configuration, not including at large positions.

Cole: Mayor, it's my understanding that the league of women voters has not taken a position on the issue currently before us.

Yeah, I wasn't talking about that. I was trying to answer the question that was raised.

Okay, thank you. Next speaker is celia israel, signed up against.

Good morning.

Good morning.

My name is celia. I am here today as -- as you know, I am somebody who wears different hats in the community, in the gay and lesbian community, democratic activists, I get involved in the politics of mobility and mass transit. At some point I've held nearly -- I've helped nearly each one of you with campaigns, advice, raising money, finding voters, as a young woman I got involved with austin women's political caucus in my early 20s and we tried to find -- at those times our discussions were about who were good candidates that we can run. You are wanting a candidate that is not only going to be responsive to the voters but a candidate that's going to be attractive to the voters. In my view moving the elections to november is the easiest thing that you can do to eliminate confusion. I am literally exhausted from talking to friends, neighbors and relatives about getting out to vote. There's so much confusion and so much misunderstanding about when do I vote, who do I vote for, what are the issues? The thing that you can do is simplify things for voters. One of those things that you can do is move your election to november. When everyone else used to voting, going out and being asked to vote. People like me are probably going to be old women doing what we do, getting involved in politics, I have become one of those people, I love it. I will continue to work with you guys and I -- I ask that you help people like me, a bunch of us, political knuckleheads that get involved in these things, this would be a way to help us. Helping us reach our neighbors about getting out to vote and how important it is. Thank you.

Mayor Leffingwell: Thank you. Next speaker is ross smith. Signed up against.

Thank you, good morning, mayor and council. Cost participation, those are all valid concerns. I would like to speak about a couple of which I believe are not valid concerns in this debate. The first is the question of whether the elections are non-partisan. That's a convenient fiction. Voters are going to pass judgment on where you or any other candidate falls on the political spectrum, there's nothing that you can do to stop them. That will happen whether the election is in may or in november. Hops -- I honestly don't think that should be a consideration. The other is the idea of uninformed voters. That is a convenient fiction. We like to think that we would like voters to turn out who have actually studied up and read on what the issues are. But the truth is that most of them don't and I suspect about the same percentage go to the polls uninformed in may as in november. But more to the point, it's not your all's place to judge. If I go vote next month in the constitutional amendment elections, and I haven't read all of the -- awful the -- all of the background material supporting them. Who are you to say I'm an uninformed voter. Who are you to make that call? That's not a consideration in whether or not to have the election in may or november. Cost, participation, those factors are. Thank you.

Mayor Leffingwell: Mr. Smith, I just can't -- to -- but make this comment about uninformed voters. There was a time in the history of our country when they had a method for taking care of uninformed voters. They were called literacy tests. And -- and thank goodness we have done away with that method of screening out uninformed voters.

Spelman: smith, let me allow you to use you as a foil to ask a blatantly political question.

Yes, sir.

Spelman: Why is it that we have so many more people voting in november than in may. Sounds like you have actually given this some thought.

That is an odd question considering that the election is on a work day. You would think people would turn out on a saturday more than it would be easier to turn out on a saturday.

Yeah.

Spelman: It's possible that people think there's simply more at stake. And that there are more things on the ballot that would concern them. I would expect most people on the ballot have one thing that they are really interested in. They wind up seeing a bunch of different things, they figure I ought to cast a vote. It may be a particular candidate they are strongly in favor of or against that brings them out for november. And there are simply fewer things on the ballot that would motivate voters in may. It's also the sheer amount of advertising. That goes into it. I have been a political animal since I was in college. I've worked many campaigns. And I have seen the relative amount of -- of -- of exposure, through the media, through mailings, through phone calls, robo calls, all of those sorts of things. And there is simply more buzz in november. The founding fathers designed a system of government that would operate without the public having to be hyper involved all the time. They saw what was happening in the -- in the french revolution and they were scared of people who were hyper aware of what was going on. So they designed a system of government that would peck that would perk along and get things done without the public having to be involved all of the time so that we could go on about our business. It takes a certain amount of energy and money and effort to -- to raise -- to break into what people are doing all of the rest of the time in their lives. To the point where they will show up. And the may elections simply don't have that level of energy. That november does.

Spelman: Not as much money, advertising, not as much buzz.

Yeah, I think that's a big part of it.

Spelman: If we were to move our elections from may to november of odd numbered years, it would still be in the november -- it would be competing with the partisan elections, do you think the turnout would stay as low as it has, do you think it might go up?

It would not necessarily always be independent of a partisan election. You might have years when you had a constitutional amendment vote or that sort of a thing. I suspect that it would still you are still going to be competing with football, people's imagination, you have to break through all of the stuff about the world series every year. So I suspect that november odd yeared elections would still be fairly low turnout. You just have to break through the general noise of our society any time of the year that you do it. The more you have that happening at the national level and the state level, the more it will filter through. That's why I think -- I know that it's a risk. It's a gamble. No one in politics likes gambles. We like sure things. We like to know who is likely to turn out and not. And putting it on -- we've seen it with bond elections that got shot down in election years. We have seen it in a variety of things where we knew it was a risk to put the item up on -- up for bid in the election, but you still got a much broader cross-section of the general public having a say about it and you wind up getting a much better picture of -- of what the roll general community really thinks about it. That's worth the risk.

Spelman: I see your point. I'm glad that I asked the question because you obviously have given it some thought.

Cole: Mayor, I have a question. You made the reference to the founding fathers.

Yes, ma'am.

Cole: And I certainly support voter turnout. And I don't think that it is necessarily a risk to give it to voters in november. But I want to know if you understand that the issue that we're facing today is whether or not we should change the election to november or whether the voters in november with the same mass of people that you respect, that you think should be allowed to vote on this issue, do you understand that?

Yes, ma'am.

Actually, I do believe that -- that -- that -- that if I were to do it, I would put the -- the city council election in november of 2012, just to see what it does for the turnout. But I would also have a resolution for the voters saying would you like to continue this in future years? So that if the other alternative is just lots of polling. What I would not do is the -- changing the future date on the may ballot because then you will get a very small number of people turning out to decide when larger group of voters will get to cast their votes.

Cole: So you support taking that decision away from the very large number of group of voters and putting that in the city council's hands? .. no. Actually I think that -- i think that voters, i understand that voters are the only ones who can change the city charter.

Cole: We're about to change it right now. That's what I'm trying to make sure that you understand. Because we are getting a lot of emails and responses back from the public and so you said, you just happened to be here.

I didn't just happen to be here, I came down here.

Cole: You didn't happen to be here. I know that you planned to be here. I decided to ask the question to you because you mentioned the founding fathers. So it's real important that we're clear that this is a choice between the city council moving the election and whether that mass number of voters, which we all like, respect, and know are voting, get to make that decision or whether we make it.

However, whatever procedure is used, I think that it's the voters that should do it.

Cole: Thank you.

Whatever happens at this election in this november or next may or whenever, I do believe that it is a choice that the voters should make. But it should also be on the ballot of the election that has -- that is likely to have the highest turnout.

Cole: Thank you, mayor. We're [indiscernible]

Mayor Leffingwell: Councilmember martinez?

Martinez: Ross, just wants to give you a little bit more information. That actually is what's going to happen. It's already on the ballot for next november. What we're deciding today is to move the election one time from this may to next november. It is not a permanent change as repeatedly has been said. It is a one-time grant by the legislature to comply with the federal move act, which is actually to increase voter turnout. So the legislature has given us this one opportunity. It will go to the voters next november. And it will arguably be the highest voter turnout in the history of austin that will decide this issue. So it's just a one-time move from this may to next november. That's what's before us today. It doesn't violate our charter to do it.

I understand that.

Martinez: Thanks.

Mayor? I wonder if we could get in response to what we just heard that it's just a one-time move. What would be the scenario -- I guess it's question for the city attorney. What would be the scenario if we were to approve the move, because as i understand it it's a permanent move, and we put something on the ballot in november of '12 and the voters reject it. Wouldn't we then -- this would be the permanent move. So we would have to -- the voters would have to choose something else proactively to -- to knock

this off.

The resolution that's been proposed to move the election to november has a provision in it that says that that would be the election date, but it would be superseded by a charter amendment election.

Morrison: Superseded by the voters approving a charter amendment.

So move it to any time.

The voters still would have the final choice on what to do.

Morrison: Right. But the resolution itself specifically identifies that it would be extending all seven councilmembers terms.

I will have to have sabine in a talk about the resolution, but there are provisions that talk about a charter amendment, yes.

Sabina ramiro. It would allow cities like austin to make a permit change by resolution in sb 100. At the same time, if the charter is amended by the people, that would be what is put into place. To our resolution for sb 100 that's in backup for example for tomorrow's meeting, explicitly states that we're acknowledging how sb 100 structured the opportunity, but we want to make it clear that when our voters vote for any other scenario, whether it's a change to date, stagger, term, et cetera, that that will be what's put into place.

If they approve it.

If they approve it, thank you.

Mayor Leffingwell: One more comment. I don't know if you want to comment on this or not, sabina, but the rationale behind this -- I'm going to continue to call it one-time effort to move without a charter provision, our elections from next may until next november, was done because of senate bill 100 when it was passed and realized that it would cause a very bad situation for local elections. We've heard the county clerk come down here and say it's going to be confusing to voters, there's going to be too many elections going on, you're going to have to buy extra equipment to facilitate that election and so they wanted to relieve the situation until cities had time to amend their charters and correct the situations by allowing them for next may and we don't have an opportunity before that to put the item before the voters. Allow them for next may to november it to november the 2012. But then we have have time for the voters to make a permanent decision. Although technically we don't have to do that, but that's what we want to do and have already proposed to do. As I said, they realized it would be chaotic, it would be very expensive for localities. I have actually -- there's been a lot of discussion about what this is going to cost. Let me boil it down for you in the simplest possible terms. This is basically an argument about whether to have not may versus november, but it's an argument about may and november versus november. Because we are in great likelihood of having to have an election in november anyway, regardless of what happens with regard to the council election. So that means that every dime that we spend for an election in may is an extra cost to the city and to the taxpayers and here's what that cost actually is. Aisd has not yet made its decision. But a.c.c. has. They have elected to go to november. If aid elects to stay with us, and have an election, if we decide to have an election in may, and they decide also to have an election in may, that extra cost to the city would be \$1,661,231. If we go ahead and approve an election for us in may, and aid does not stay with us in may, and they have the option to go to november, then that extra cost to the city would be \$2,162,516. Those are significant numbers and that's why the legislature, they knew that this would be the case, they knew that there would be a lot of extra expense and that's why they authorized us to do this. We went through a budget cycle here turning down community service items that were \$100,000 because we didn't have room in the budget

for those and here we're talking about potentially worst case scenario spending over two million dollars for a may election.

Cole: Mayor, I have a couple of questions. The first one is the number that's you just quoted, I'm not familiar with, have those been distributed to all of the councilmembers?

Mayor Leffingwell: They have.

Cole: Okay. Because we haven't publicly discussed them before in terms of aid and that type of thing, but I just wanted to make sure that I had them and ask legal to provide those. Okay, sabina, we have to go back to councilmember morrison's questions and councilmember martinez's questions and councilmember leffingwell's questions, not that we're going to agree on this issue but just so that we're clear. It is my understanding that if we vote to move this item to november, we take away the citizens' choice in november to vote for either may or november.

If the council elections are on the november ballot, then charter amendment items will probably be on the november ballot, and it can be one of the charter amendment proposals to change the date, the length of council terms, whether or not council terms, elections are held together that is staggered. So if the city council races are on the november ballot, voter choice can also be on the november ballot.

Cole: Have we submitted to the charter review committee any option for a may date?

The charter revision committee is considering the proposed charter amendments that were proposed by resolution twice this year by council and those suggest looking at november dates. They also suggest looking at changes in term and stagger so it may be the charter revision committee decides that they support a change in term and stagger that puts us in may of odd numbered years or they may fold in a november decision. So it's really unknown at this time what combination of options they'll choose to propose.

So we haven't submitted to the charter review committee any options with may. Our current charter has a may in it; is that correct? A may date in it? And we would have -- are you suggesting that -- that -- if senate bill 100 trumps, meaning that we have to go to november, I can't reconcile that with the option that we still have to pass a resolution giving voters the option to go to may.

Sb 100 gives the city the option to hold a may or november election. To hold a may or november election. But as the city attorney mentioned, our sb 100 resolution makes it clear that we are utilizing sb 100 to move our council elections to november until the voters change our charter in any number of ways that may affect the date of the election.

Cole: I mean, I don't think that we would be having this debate if this whole council understood that we could give the voters in november a choice between may and november. And that we took that away. That is the crux of what we've been talking about and been in at least five to 10 executive sessions on. So we have got to be clear on if we exercise that option to go to november, do the voters have the choice in november to go from may to november? Either senate bill 100 trumps or it doesn't.

The answer is yes. If we move to november with sb 100, voters still have the choice in november about what our charter will say about future elections.

Mayor Leffingwell: Can I make -- the numbers that I just gave you were -- I read the wrong column, I want to correct for the record. The extra costs of a may election with aid partnering is \$1,245,415. Without aid partnering, it's 1,821 -- \$1,821,255. The cost of a november election, which would be added to that, with aid, if they go in may, they wouldn't go in november, that would increase our share partnering share in november, that would be the number that I cited you, the \$1,661,231 as the total

amount of elections that we would spend in -- in 2012. And similarly, with -- without aid in may, then that means they would be in november partnering with us, so the -- their partnering share, our share of the partnership would be less, \$341,261 and that brings us to the \$2,162,516. Those are the numbers that i mentioned. The total cost of elections next year. If we opt out of may entirely, we are left only with those shared costs that I just named for november only. Councilmember tovo?

Tovo: It sounds like -- it really seems like every time we have this conversation we have a new set of numbers. I'm struggling to understand why your numbers are different from what is in our backup distributed by the county clerk. Are your numbers --

Mayor Leffingwell: These are the numbers distributed to you by the city clerk and they focused on giving us the -- an itemized costs, you should have that -- here's the clerk, she can answer your questions.

Tovo: Not the same as your numbers just read. Do your numbers include a runoff. That may be the difference?

That's what I think may be causing the confusion this morning is for my own preservation, I needed to see what had I budgeted for version what had been presented by the county clerk. So the spreadsheet that i sent you this morning that supports the fiscal note, i included payments to williamson county, which we have not discussed, the inauguration, the translation services and most importantly, the runoff costs. So what I tried to show in the spreadsheet is that, you know, we had a total amount budgeted for all of those items of \$791,269. So for me I was looking, you know, okay what is the shortfall if these various scenarios play out. So my exercise was to say if aid is with us, if aid is isn't with us, if they are there in -- if we have the may election, then that's when your inauguration would be, that's when your runoff would be. So they are not in the november numbers because we obviously wouldn't have council elections twice that year. So I tried to go through those various scenarios, the simple way that I think of it, given that you don't know where aid is right now, it's somewhere between 8 million for a may election. And if -- again, you don't know about november, whether aid or -- is with us or not, it's approximately 340,000, versus 416,000 if they are not with us. So I just tried to play out some of those scenarios so i could see how the -- how the budget matched up with that. So the fiscal note that i hope was handed out on the dais.

Tovo: I'm searching for my copy, I don't see one in my materials, it certainly could be here, we have quite a stack. Did I hear you say that inauguration is included in those figures as well that are in the spreadsheet.

We would have an inauguration regardless of whether --

that's right. So the same number carries across, the same number for a runoff, the runoff assumes that no one is on the ballot with us. Because that's more typical than not. So the runoff is actually more for us than a general election because we -- you know, it's substantially less for the county to conduct a runoff, but we -- we typically take the whole burden of the costs. So that's what we tried to -- to show in all of that. We can certainly get you copies of it.

Tovo: I just found it. Again apologies we have quite a stack of materials up here. The runoff we would likely be responsible for paying the full cost of a november runoff as well. The chances that there would be another runoff in november are not high. Is that correct?

If you have the council election in may, for the city at least, there would be no runoff in november. But if everything got shifted to november, all of those costs would have to shift that way. I didn't answer your question, let me try it again.

Tovo: I'm thinking if we did move the elections to november, what is the likelihood that we would have a

partner in a november runoff?

Well, the fact that and aisd would both be there, there might be -- bigger than if -- the -- [multiple voices]

I'm trying to recall the last time we had a runoff in one of those.

It's pretty rare.

Tovo: Okay. Then I guess my last question, I -- you probably are the right person to answer it, how long has the city of austin had may elections?

I don't know that I can answer that, certainly my tenure here. But we can go back and research that.

Tovo: I was just curious, you know, as we talk about confusion for voters, seems to me that's another element if we've had for decades elections in may for local offices, that could introduce an element of confusion if we suddenly move the local elections to the fall. So -- thank you very much for that information.

Morrison: I have a question. Thank you, shirley. To get something clarified with sabina if I could on the various scenarios. Is it true that we can't put a -- we can't say on a charter amendment ballot [indiscernible] in november, then a separate world war ii you like elections in -- then a separate one, would you like elections in may? What we're for seeing is a charter amendment in november of '12 that says would you like elections in november with a certain stagger, with certain terms, and certain, you know, odd numbered years or even numbered years, we're foreseeing that. So -- so if we pass the sb 100 resolution, and that -- that -- that charter amendment that says would you like elections in november, with a certain scenario, fails, are we going to go back to may or sb 100 what we passed is maintained?

Sb 100 will stay in place until we move away from what -- our charter would functionally be saying november.

Morrison: Okay. So sb 100 would be maintained. What that says to me that if we were to pass sb 100, and then basically put a charter amendment on to give people an option of sort of fixing it with the staggers and all in november, they effectively have no choice to go back to may.

If the charter amendment item was to go to may, sure, that would be functional.

But we will not have a charter amendment that says go to may and a charter amendment that says stay in november with a certain stagger. We can't have those because they are conflicting.

There are certain considerations and approaches that could be taken. I think that it's totally speculative at this time. But if the charter revision committee proposed one thing and council proposed another, we've had discussions with you before about how we may or may not handle that. It's -- I mean, as you know, the sb 100 resolution let's you know that it's in place until the charter is amended.

Martinez: Unless the charter is amended.

Right. Legal would work with you on what goes on the ballot. We would make sure that no items on the ballot conflict so that it would be a real choice.

Mayor Leffingwell: My understanding is that if the charter amendment to move the elections permanently to november were to fail, the charter would still say may, so we would still have the option

of may or november under sb 100, and -- could i ask for order on the dais? And -- and we -- as in the county clerk's original letter on this subject to us, she said you basically had a choice of may or november of odd numbered years or november of even years. Because any time that you have an election in may of an even year, you are going to have the same conflict, run into the same problems with voter confusion and huge extra expense to conduct a may in 2012. But you could do it. It would be up to the council to make that decision. As we're trying to make here today.

Your question is what would happen going forward if in november of 2012 there were no changes made to the charter?

Mayor Leffingwell: Right.

The answer is that sb 100 imagines a permanent change. This resolution that's on your agenda tomorrow makes it clear that we understand that the legislature envisioned a permanent change and that's why we talk about even the elections for the remaining three places shifting to november.

Mayor Leffingwell: I understand that.

Of 2014.

Mayor Leffingwell: But if the voters turndown the charter move to november, that could still -- you could still have may elections, if the council wanted to do that.

Sb 100 will keep our elections in november until we change our charter.

Mayor Leffingwell: Or repeal the -- I mean, we have the choice right now to go, it's an option, a legal option, to go from may until november. Why wouldn't we have it if their charter election were not -- if the charter item were not passed or if we didn't even have a charter election, we continue to have the option, we could do -- all that we have to do is change our resolution.

The long term possibilities of rescinding an sb 100 resolution, are not something that the legislature envisioned. And it's something that's really speculative because after our november 2012 elections, the legislative session will come back in. We don't know if that law will be changed. It was certainly considered to be a one-way directional proposal.

Mayor?

Martinez: Councilmember alvarez?

Martinez: We can keep asking questions in as many ways as possible. Every time, no matter how it's asked, the answer is we never, ever, are will take away the right of the voters to amend the charter, period. It won't happen. The voters still ultimately control the charter. Even if we move to november, and even if we have an election on the charter, that says would you like to match up your charter with what council has done to keep elections in november, couldn't there be language to add to that charter amendment that says if this fails the charter remains as may, therefore we go -- it's not an either

or. If november fails, you could add language that says the may election or the may language in the charter remains intact. Therefore it pushes it back to a november date. Could it not do that?

Let me make sure that I'm hearing your comment right. You are suggesting could we put an item on the ballot that let people know if this item fails, our charter reverts to may?

Not reverts, remains as may.

Well, because sb 100 functionally makes us a november city, we will remain a november city until our charter is changed by an affirmative vote, a yes vote. That would be a no vote.

Martinez: We would have to put another charter amendment up going for a may election, but ultimately the citizens could still put us back in a may election.

They could choose to change the charter to put us back in may, absolutely, with any other combination of changes.

Thanks.

Since I was last here, I've had an opportunity to talk to a lot of citizens in the community. I've actually put an online letter asking for you to move this election to november. Tomorrow will be back to read the names who signed on to that, you'll see that it will be several hundred community activists that you know well, people who have been on all sides of issues in this community. Since I've last been here, there's been a poll taken of people who voted in two of the last three city council elections. Meaning it's the people who always elect you, and these may low turnout elections, that poll showed over 75% of austinites support this change to a november 2012 election including about 75% of republicans, 75% of democrats, 75% plus of people who support business candidates and 75 plus of people who vote environmental candidates. In every region of this city. I've been listening to this conversation about what happens if we get stuck on a november of even years from time of memorial? I would say that we have done the right thing. I would prefer to have it in november of 2012, november of 2014, november of 2016, because those are the highest turnout elections in our community. I don't understand why this council is stuck on expending more money for this election that's unnecessary, or stuck on an issue that clearly the voters of austin are going to say in this -- for this item, to this poll, I think you can say that you can project that they support it. You're worried about the referendum on the ballot, charter amendment. I would expect that's going to pass at the same margin. I don't know what the issue is here, unless it's the same issue I brought up last week, that there are people on this council that want to stick an election where it helps them most politically. Pure and simple. Thank you. [Applause]

mayor?

Leffingwell: Councilmember tovo.

I have a question for mr. maxi, please. Since you've brought up a survey, I wanted to ask you a couple of questions about the questions that were asked of voters and I have some additional information and here I'm trying to process while I'm talking to you, but, were the voters or the people who participated in the poll informed that the charter currently mandates that there be a may election? [Applause]

may I answer before you interrupt me? Yes, in the last question, the voters were given the option and given both the pros and cons as the people have mentioned. And number 6 said the key argument for and against moving the city election are as follows. People against moving election date believe, one, moving the election to november extends the term of council for four members by six months, and two, moving the election date changes the city charter and charter changes should only be done by referendum voters of the city of austin. People who moving the election date believe that, one, the new state law allows elected city officials to move the election date without a referendum the voters of the city of austin. And not violate the charter. Two, holding the election at the same time as the november general election could save the city of austin between 600,000 and 1.2 million. Three, a november election date could result in over 60 60% of austinites voting in our election instead of the 8 to 12% that typically voted in may. After hearing these arguments would you be for or against the austin city council moving the election date from may to november. And on that question, i believe the -- from the initial question about moving it, it was at 60 something% -- it went up by another five percent after giving

those arguments, they were in the last question informed about the city charter issue, about the issue of councilmembers having their terms lengthened, and still over 75% of austinites in every demographic group support this change.

I appreciate your reading that, thank you, littlefield, I see you there, as I said I had some information in front of me and I think that was the e-mail that you just shot me. I would just point out there is, in my opinion, a big difference between saying the charter says x, which is that we have elections in may, to saying the key arguments for and against are people against moving the election date believe moving the election to november extends the term of office. It's not a belief. I mean that is what we're doing. If we move it, we are extending, so -- [applause] to present them as -- I take your point. I appreciate the additional information. Thank you for pointing out where it is on the survey, but it is -- it is expressed as a belief and an argument for one position versus another instead of just informative, and I think -- I think that is a critical difference so thank you. maxify, I think to boil it down here is this a push poll or is this a poll which asks the question directly.

It asks the question directly, then it gave both sides, I think fairly gave both sides and even if it was skewed, it still -- it's 75%. I can't -- you know, even if you take the fine points that you were just trying to debate with the poll about, I don't think it would change more than a few percentage points. The voters of austin want this election. I think I will come tomorrow with the list of activists that have worked in most all of your campaigns. We want it. Please do what the citizens of austin think is best and increased voter turnout in your elections.

Mayor?

Councilmember tovo?

I want to clarify. I wasn't claiming or making an argument that this is a push poll. I'm just talking about how the information that it's expressing, and I agree, fairly talking about the different sides on this issue, rather than laying out -- but there is a difference between doing it in that -- providing that information as you lay out the arguments pro and con and just providing the information, so I just want to clarify, I'm not making a claim this is a push poll so -- but, again, I do think there could be questions in people's minds moving the election extends the term. That's a belief versus an actuality, and I -- I do think -- I do think that.

Leffingwell: So you don't think the poll accurately reflects what the voters want? I'm not sure it's a productive line of discussion for us to consider that question, for me to respond to that question. I'm simply saying that I do think there's a meaningful difference between saying some people argue that we shouldn't do this because they believe it's going to extend the term and that it actually will extend the term. That is a -- that is an important distinction.

Leffingwell: Next speaker is debbie russell. Signed up for.

Hi, mayor, thank you very much, council, mayor, outside today we're going to several thousand people speaking to the fact that we've lost control of our government because of corporate interests, special interests at all levels. And I invite you to all come out and join us in our call to reclaim government for the people, and I want to thank councilmember riley for joining us the other evening at our general assembly. I have, I think, a particular perspective here to offer on this issue is, one, I'm now a del valle school board member, as some of you may know, and what you do here, today and tomorrow, will affect whether or not we go forth with a may or november election which effectively means if we go to a november election, y'all will be voting to extend my term on behalf of my constituents, and I'm not comfortable with that one bit. [Applause] we've heard all the arguments, I agree with arnold said earlier. I agree that it is -- this is not about whether we want to see more voter participation. Of course we all do. And the rhetoric around attacking co-colleagues on that point is indicative of why people have been taking to the streets. And I really advise you to try to not mimic what's been happening at the

federal level. We -- we need to look at this from a charter perspective, and if you listened carefully monday at the work session, the city kinard, did say that legal was split on whether this violates our charter. Of course she capitulated in the end with the mayor for reasons unknown that she advised him to go ahead and say that this was not actually in violation of our charter. What the legislature did with sb100, the intent was not for local governments to up-end their charters. That was not the intent. We did not get to have that debate at the legislature. That was done after the fact. It was an unintentional loophole built in for y'all to be able to up-end the charter, but that doesn't make it right, and I really appreciate the members here that see fit that the voters have the right to extend term limits. The voters have the right to change our election dates, and that it shouldn't be decided by a group of seven, and that's what we're speaking out front today about, that the few should not be making the decisions about our democracy on our behalf. We get to make those choices and please join me in that today. Thank you. [Applause]

Leffingwell: Next speaker is paul saldana. Paul saldana is signed up against.

Good morning, councilmembers, my name is paul saldana. I wanted to talk about voter suppression tactics because I firmly believe that's exactly what we're talking about, and that somebody who grew up here in austin all my life, and I know the debate clearly I think there needs to be more discussion, and there's a lot of discussion about what a charter election amendment might entail. We have a review charter committee that has not even had an opportunity to weigh in on this discussion. Good friend of mine, former senator is the chair of that particular committee. But in my opinion voter suppression is a strategy to influence the voting outcome of an election and voter suppression specifically attempts to reduce the number of voters who might vote against a candidate or proposition advocated by the suppressors. By now you guys already heard earlier this week leaders from the hispanic community had a press conference because we firmly believe at least in our community, we have a great deal of challenges. One, to increase the potential pull of voters that we have in austin, to mobilize, to get out the vote and finally to vote. Clearly the numbers -- i think we do all have an agreement that having an election in november would have a bigger voter turnout, and I guess my concern is that we miss out on opportunity to do that in november, and I'm friends with just about everybody here on the council. I think this one, councilman morrison and I discussed earlier, this week we're going to have to agree to disagree on this one. But I have a great deal of respect for you all in that regard. Nonetheless, my personal opinion is that we should move the election to november. I also wanted to clarify from the aid perspective, and I don't know if this has come out or not, but the city of austin elections and aid elections appear to be incongruent. The city council terms are three year terms and aid school board members elections or terms are four years and so from the aid perspective, I think that create as a little bit of a -- not only a economic challenge for the school district, but maybe even a legal and operational challenge in that I think the school district might be left out at one point trying to figure out how they would handle one future election during a potential transition. So I hope you take that into consideration. Just going back and forth on the numbers that's changing, clearly I think there's a lack of information and there's even a lack of clarity on the potential economic impact even among the councilmembers here, so I think even that itself warrants you all to spend a little bit more time and looking at the specific economic numbers, you know, I know we've had the county clerk here. I've heard miss gentry speak today, but clearly there needs to be a little bit more time and really addressing the economic impact of the numbers. And then with regards to the discussion about the poll maxi raised, i think there's a push poll happening from the dais here, but anyway --

Leffingwell: Thank you.

Support moving to november election.

Leffingwell: Roy waly is signed up for.

My name is roy waly and I'm speaking as an individual citizen this morning. Rather than any normal role of the organization i usually represent. And the reason I'm not representing that organization this

morning is we did not vote on this issue. And it's because we did not have time to vote on this issue. I could go into conjecture about how that vote would have gone, but we didn't vote on the issue. And this is something i can't speak on, as that representative. We need to have the people vote on this issue, and determine when they want this to change. Part of the -- we hear a lot -- well, I've been hearing a lot about polls. I know that some polls show that people have no idea where their water comes from. I know that there were some recent polls that indicated that rick perry was already packing his bags to move north to the white house, and now I think there are recent polls showing that he's going to skip his annual trip out to the deer lease. So we can have government by polls or we can have government by votes. Let's have government by votes. Let's have the people vote. In regards to turnout, it is pathetic. But that's a matter of responsibility, and that is a shared responsibility. That is individual responsibility. That is in part the responsibility of the organization I normally represent. Normally being a rather nebulous term. But we go out and try to educate the population, the voters on the issues. We start with our members and we educate. I know how busy all of you are. I know how much you all have on your plates, but it is the responsibility of the city and the city council to educate people and to give them a reason to want to come and vote in may. They have to have a reason to want to come and vote in may. Let's make a city that gives people a reason to come and vote, and I know y'all are working hard on that. I know you're working hard on a lot of things. Let's work a little bit harder, main thing, let's all go out and decide where we're going to have our election by where it belongs, and that's in the voting booth, in the hands of the citizens, thank you for your attention. [Applause]

Leffingwell: Carla cavs, signed up against.

Good morning, mayor, and city council members, my name is perla cavazos. I am here to speak against the resolution and in favor of moving city council elections to november 2012. And many of you also received an e-mail from me, and also have, you know, volunteered and been involved with local elections. Going back I was remembering to the 1998 bond election for the mexican

american cultural center, and I've been involved, you know, also through the women's political caucus, but the bottom line is that I want to see a greater number of people determining who will be our local leaders. And that's in november. And I strongly believe that the spirit of austin, of who we are as a community here in austin, our identity is valuing diverse public input and greater public participation, and frankly, I believe that's going to happen in november. I'm -- and I'm just looking back here recently, you know, as a member of the imagine austin task force and even from that experience I've really gotten the sense that we've been making the effort to go back and get that public participation, you know, okay, we need more outreach in this area or that area. Let's go back and do that, and from that experience alone, I know, and I believe that you as a council believe that we should be getting broader input, and so again, I believe that's going to happen in november, it's also going to simplify, I think as mentioned earlier, we could potentially have four elections in the spring versus two in november, and then there's the cost issue as well that I think should be especially taken to heart given we're, you know, fiscal issues that we're having right now, we need to be saving money and hopefully putting that into greater use, so that's what I have to say today. Thank you so much for your listening.

Leffingwell: Thank you. Next speaker is willie lewis, and willie is signed up neutral.

Good morning, mayor and council. One of the reasons that i signed up neutral is that, you know, no matter how you sign up, as far as the ones that speak, the ones that's on the dais is going to determine what's going to happen. And my issue is that, you know, people are talking about the number of people that's going to participate. It is an individual's responsibility to participate whether you hold it in may or november, and just because the people go and vote for the president in november don't necessarily mean that they are going to check a block that has anything to do with the city's issues in november. So if you have 100,000 people that go to a poll, go to one precinct and vote, maybe only 50,000 will vote on issues pertaining to city issues, so it's not a -- it's not a given that you're going to have more people participating in city issues in november than you would in may, because the ones that's going to participate will know what it's all -- you know, I mean they will know what the issues are. One of the

other things that I was listening to the lady speak, you know, it's the same to me, it's the same if someone would leave the dais at this time, and someone was appointed with the option -- with the known date that it's going to be an election in six months or 8 months or whatever. So if we hold the election in may, with the candidates knowing that the item is on the ballot in november, you know, then they know that their term is not going to be the normal term, and that is one of the things that it just -- it's common sense, you know, and people are talking about the cost, the cost. We've been involved with these costs for a number of years, and it only is a cost when it's something that you don't want. If it's something that you want, you don't mind paying cost. So that's the way I feel that the citizens are. You know, they hear people talking about the cost of the election, but nobody talks about the representation of the total city as it should be. You know, I think it's two other cities the size of austin that don't have single-member districts. You know, and we continental stayly talking -- constantly talking about other things except representing the people, allowing the people to be able to be represented by a councilmember from their district, from their area, because, you know, I've been there, and I tell if you vote for seven people to be on the council, you might as well not vote for any of them, because nobody's responsible to you as an individual. Everybody is responsible to everybody and it's the same way with them all. You know, if you have a mob, who's the leader? The one that's out front. [Buzzer sounding] and that's what it's all about, but I -- I think that, you know, we need to make sure that the item goes before the public to determine whether we're going to have a may or november election, and if we do, what happens after --

Leffingwell: Thank you, sir.

We talk about the even and odd years, what happens the next election?

Leffingwell: Thank you, sir. Time is expired. [Applause] those are all of the speakers that we have signed up wishing to speak. Also signed up against but not wishing to speak are sam guzman, andy ramirez, and frank fuentes. All right, come up and speak. You're not on the list.

This is one item I'm sure to speak again on. I spoke tuesday, gus pena, native austinite, allen junior high when it was a junior high, I'm a proud graduate of albert sidney johnson high school, the pride of the east side. I can tell you about growing up poor. I can tell you about discrimination, but not being allowed to vote, my dad was born in 1898, cross mexico to crystal city, was elected sheriff, he started, lucio pena started the mexican-american politics in crystal city, the birth place of mexican-american politics. Here we are talking about the cost of moving elections to november versus mayor, and I'm going to say this, it is pertinent and relevant to this, what about the cost of people and the agencies that are not funded for basic needs, hunger, homelessness, health care? How much more money, because some of y'all didn't vote to increase the funding for social service agencies. We're talking about 1 million and some versus maybe 20 million in basic needs issues that were not funded. Let me tell you about elections. I ran in 1996 and '97 for city council, the honorable councilmember spelman, i love to tell the stories, bill, you're just a good guy. He was on of my opponents. I respect you sir. I will tell you this much. Cost. Suppression, voter suppression, if the voters don't like you, they're not going to vote for you, they're not going to show up. Let me tell you something apart from that. I know the voters are going to be allowed the opportunity to vote on these. My issues are these. I don't represent anybody in east austin. We have meetings. The people have told me leave it in may. Let the voters vote on this issue. It is our constitutional right. Mayor, councilmembers, I am a former discrimination complaints investigator for the department of treasury and justice, I will not put up with anybody discriminating against or suppressing our people from voting and giving the due diligence and opportunity to vote. You're getting angry, y'all attacking each other, going to -- voter turnout is going to be higher in may or november. Let the voters decide that. Mayor arnold, my hero, she said it appropriately, and I'm not going to be redundant by what her comments were, but, you know, I'm just going to say this, a lot of people give up. I don't. I'm a united states marine corps veteran, served in vietnam, I can tell you i don't give up, my first appearance before a elected body was 1967 because they didn't allow us to speak spanish in my english class. Don't do this. Due diligence. Keep it in may. Thank you very much. [Applause]

Leffingwell: Those are all of our speakers, and i notice that the attorney -- outside attorney hired to consult with the city on this matter is here and i talk to come up and address the question that was raised about potential charter amendments giving voters the option. I wasn't here for the earlier part of the meeting so what is the question, your honor?

I'm not sure I entirely understand it, but the question has been raised if the charter amendment proposed does not pass to move elections permanently to november, to odd or even years, a, what happens then? And it's been stated here that senate bill -- having once passed senate bill 100, the resolution to move our elections to may of 2000 -- excuse me, november of 2012, that we could not go back, could never make the decision to have another may election without a charter amendment.

That's a question that i have -- I cannot thought about. The senate bill is silent on whether a resolution would be effective after a charter vote was taken, the result of which was to retain the may election date. Or for that matter -- well, and I confess I would have to really think about that one. I don't have an answer off the top of my head for ya'.

Leffingwell: Okay. Councilmember spelman?

Spelman: I must have misunderstood you, sid, i thought I heard you say in executive session a few weeks ago, the question is out in the public, I can repeat what I thought i heard you say since we're talking about it in public, that if we moved to go to november 12, and nothing else changed, there was no charter amendment for the public, the public did nothing with respect to when the voting would take place, simply by resolution under sb10 all by itself, moving that one day to november 12 would then be a permanent date, if we wanted to go back to ay or d it in august or some other time, that would require an affirmative vote of the public to change. Did I misunderstand you?

I think that's correct. The question that I heard posed just a second ago has to do with the order or the sequence in which those events occur.

Okay.

If this council avails itself of the option in sb100 to buy resolution, move the election from its current may date to november, that will be a permanent change. It will not, however, preclude a subsequent charter amendment election which could move the date back to may.

But would require affirmative vote to move it back.

That's my understanding of how it would work.

Spelman: I did hear you correctly, sir, thank you.

Leffingwell: The second part, the question that was raised here on the dais, could the -- either the same charter amendment or an additional charter amendment be placed on the same election to give voters that option of may or november? Could one be structured to do that? And keep in mind we have the option to go into executive session to discuss this if you feel the need to do that.

I think the short answer is were this council to utilize the sb100 option and move the election to november, and also place on the november election a charter amendment on the ballot, I don't think there's any problem with doing that. The structure of the charter amendment or amendments that you draft and put on the ballot may have a different set of issues for drafting and legal purposes, but i don't think that the use of sb100 would preclude a subsequent ballot -- a charter amendment on the ballot.

Leffingwell: And in fact it's very likely that could happen with regard to the single-member district charter

item that is put before the voters. There could be one item with a certain structure that's put forth through the initiative and referendum process and another that's put through -- put on the ballot by the city council that would be different and we had been advised in the past that we could find a way to structure that so that we could do that.

I think that's correct. The question of how you structure a charter amendment that has a number of elements in it is really one, frankly, of drafting, and how you would structure it for clarity and to make sure or at least try to make sure that some amendments didn't pass without complimentary amendments also passing.

Leffingwell: Mayor pro tem?

Cole: Thank you, sid, for helping us with this kind of complicated issue. I heard you say at the beginning that you understand that we're dealing with senate bill 100 and what it actually does is in the situation where we vote to change the date to november in accordance with what is allowed in senate bill 100 and then what are the voters allowed to do after that? So that's kind of our general framework of the context that we're dealing with. And I want to have our media, professional staff put up the provision in senate bill 100 and let you help us walk through it, and I have -- well, let's just take it kind of slow. What type of city is austin?

Austin is a home-rule city that operates under its city charter which was granted by the legislature.

Cole: And what does that mean when you say you are a home-rule city?

In broad terms, the city has powers that are enumerated in the legislatively-granted charter. They are subject to some limitations. In general the way to express that is that the charter provisions may not conflict with or be inconsistent with the state constitution or other general state law.

Cole: It's always been my understanding that when you talk about being a home rule city, you have all the powers, all the powers that the legislature does not restrict. Do you disagree with that?

As a general proposition, beginning proposition i think that's right.

Cole: Okay.

There is a caveat, and that is if the charter does not grant the council or the city generally a specific power or a power that you can imply from another grant of power, then it's arguable that the city doesn't have that power, because the charter doesn't grant it. Most charters, however, are drafted with at least some very general provisions in them that are catch-alls that give you very broad power. In fact many of them contain the language that you've just indicated which is all powers not forbidden or granted.

Cole: Okay. And you're aware that at issue here, our charter clearly states that we have the power to have our elections in may as we have been doing up until this point?

That's correct.

Cole: Okay. Will you look at that provision, see -- and you can go ahead and read the first sentence if you would.

This is section 5c of senate bill 100, which 0052 of the texas election code, and it says home-rule city may implement the change authorized in sub section a, or provide for the election of all members of the

governing body of the same election through the adoption of a resolution.

Cole: That is my understanding generally what we are discussing doing today. Can you read the next sentence?

The change contained in the resolution supersedes a city charter provision that requires a different general election date or that requires the terms of members of the governing body to be staggered.

Cole: What does it mean to supersede? Is there a time limit on superseding? In this statute? I mean what is your understanding of that provision?

My reading of that provision is that if the council exercises the option given in this section of sp100, and changes the election date, that that is a permanent change. Notwithstanding a provision in the charter that requires may elections, that it supersedes it, it overrides it and replaces it. I do not read this to preclude a later charter amendment that would reinstate a different date.

Cole: So if we exercised our option to change the date of this election to november, is may also in consideration at that same time? When you talk -- it's confusing when you talk about a permanent change, and then you talk about a change.

It's permanent in the sense you don't have to do anything else to keep the elections in november once you've changed them to november. That's what I mean by permanent. I don't mean irrevocable.

Cole: Okay. Okay. Thank you, mayor.

Leffingwell: Councilmember tovo? just to underscore a point we talked about before and I think you began to address, if we voted to move the elections to november and the charter amendment was placed on the ballot next november to keep the elections in november, and it gets voted down, our only opportunity to move it back to may would require another charter amendment. As you said earlier in your comments, it's sort of a matter of unsettled law how sb100 --

there are no court decisions interpreting sb100 as of yet. So we don't have the guidance of an interpretation that is official. So all a lawyer can do is tell you what his best sense of the meaning is, and i think I agree that if there is a charter amendment also, if you move the elections to november, the general elections for the city to NOVEMBER, UNDER SB100s Option, and also put a charter amendment on the november ballot, and if that charter amendment calls for retaining -- in other words the wording of it, and the substance of it is to call for retaining the november elections, and it fails, i think that that does not override the sb100 resolution.

Tovo: right.

So I agree with you it would take an additional charter amendment to restore a may date t failure of a charter amendment retaining it in november, I don't think would override the resolution. I'm not sure as a functional matter, therefore, whether it would be the best choice to have a charter amendment under those circumstances. That simply called for retaining november. The real question would be do you want to move it back to may?

Tovo: thank you.

Leffingwell: And that was the object of discussion in the proposed charter amendment, could you have language that would allow the election to be held in may or november depending on which part -- which one -- which particular proposal passed? And I think you just said earlier that you could. You would

have to be careful.

Are you asking about competing proposals or a single proposal with very complicated wording?

Leffingwell: Either one.

There is a developed body of law on a structure, the permissible structure of such amendments, and typically they may not contain competing alternatives. It's kind of an up or down situation. Drafting charter amendments is a bit of an art, and so what I'm saying is general principles and not something categorical. The other difficulty I think we're going to face with charter amendment structure is that that won't be -- that not likely to be the only issue that is on a ballot as a charter amendment, and so the task is also to draft what may be several charter amendments doing different things in a way that are -- that's self consistent and allows the voters a clear choice. So it's -- it's difficult to give you a simple answer to that question.

Leffingwell: Your earlier simple answer was that the language could be constructed to allow that -- allow that?

I think in the sense of structuring the ability for people to vote for or against a particular change, you can draft a charter amendment to do that, or a set of charter amendments to do that. The difficult with competing charter amendments is what happens if both pass?

Leffingwell: I understand that. But we have already discussed ways to deal with that potential conflict in another instance, and it's been suggested that we could do the same here.

I think that's probably right.

Leffingwell: Okay. This is getting a little academic for me, but I don't have any more questions. Does anyone else have a question? Councilmember martinez?

Martinez: No, I don't have one of sid. Actually I have one for the city manager. We've been talking about potential costs and we know that there will be additional costs associated with the may election. Where do we identify the funds to pay for the additional election? Our budget, is it adopted in our budget with these funds available?

I believe the city clerk has -- there are funds in her current budget for 2012, and you have the spreadsheet in front of you, and that first column there, and there's some \$700,000 plus that currently is in her 2012 budget. Any cost associated with the election beyond that obviously we would have to identify a source to supplement what is in our budget currently, and i would have to do a careful evaluation of our general fund reserves to make a determination as to where best to bring additional money to this issue.

Shirley, when you crafted your budget and presented it to council, were you anticipating a may and a november election?

We wouldn't have budgeted for a november because that's a different fiscal year.

I see.

So you were anticipating a may election and also did you anticipate partners in that may election?

Yes, sir. We called the partners ahead of time before we submit our budget and then we circle back with

the county clerk and say, okay, these two people say they're going to be on the ballot with us. What is our fair share of that cost? And that's what we budget for.

And so out of that \$700,000, you anticipated holding a may election with that 700.

And the june runoff and the inauguration.

Okay. And so there's separate agenda item today that would authorize you to purchase \$500,000 worth of voting machines. Does that 500,000 come out of that \$700,000 budget?

I would say it just a little bit differently. First of all, those numbers got reduced by the numbers that the county clerk gave you on tuesday. So I think there's a maximum of 389,000, and if you did the reduced election, it would be down to 297,000. So in the spreadsheet that i provided, I added the equipment cost is there, plus all of the operating costs, plus the inauguration and all those other expenses and then I showed a shortfall, so the shortfall, if we're on the ballot by ourselves and we're doing a full fledged election would if aisd remains as the partner with us and we're doing the full 190 precincts, there would be a shortfall of 54,146.

So back to the city manager, where would we identify those funds if that became reality?

Again, as I said, I would want to do a careful evaluation of our general fund reserves and there -- as council knows there are several of them. We have our emergency reserve fund, which is healthy, about \$40 million, but we generally characterize those as hard reserves, in other words, we use those for unforeseen or extraordinary needs, reacting to for example, a natural disaster or something, so that would not really be a good source. We have contingency reserves which also are for unforeseen needs during a given fiscal year, but the unique characteristic about that reserve is that our policy requires us to replenish it the following fiscal year and of course the stabilization reserve which is also healthy, about 2 million, and it's used for one time items during the course of the year, and of course that's our financial policy, and we use -- I think it's one third, if I'm not mistaken, and that may be the more likely source to support any additional costs associated with the election.

Thank you.

So mayor, I'll just close my comments. The reason I -- the reason i asked this question, actually, it's very appropriate in this context, because I see a lot of folks from austin interfaith here, part of your mission is, one, increasing voter turnout, but the other part of your mission is also supporting causes in our community that take people out of poverty and make themself-sustainable and make them even stronger contributor to austin, so i would imagine it's somewhat confusing for you all, we adopted a budget item that cut your funding and now we're adopting another agenda item that actually is going to prevent 200,000 additional voters from voting in a city of austin election when at the same time you're doing everything you can to register voters. That's -- that's what makes this very difficult, so with the authority granted by the senate, I'll continue to support moving our municipal elections to november for this next november with the obvious intention of having the issue on the ballot as well for the voters to decide permanently whether or not it should stay in november. And I just think that, you know, the acc board of trustees said it best, by moving it to november, we get to spend more money on our kids in our classrooms, and I think aisd is going to say the same thing. Aisd is also facing major budget crisis and budget shortfalls and they weren't thessaly waiting on the city of austin and what we were they were waiting on acc, because their districts more align with acc and the number of years in their terms align with acc so there's a strong likelihood that we will be in a stand-alone contest or election in may and that the costs will be the highest possible numbers that have been estimated, and we're going to take it out of one-time reserves and here we are telling all of our social service agencies, we're telling southwest key, we're telling the african men and boys research center, we don't have the funds to fund the things that we say are a priority for us, so I will continue to support moving the election to november.

Leffingwell: Thank you, councilmember. We have -- we are past our 12 noontime for citizens communication, council, obviously have a lot more discussion on this item, so what I'd like to do is table it, until after citizens communication, and executive session, come back to this item, so that we can let those folks speak who signed up to speak at a time certain of 12 noon. Is the objection to that? And we'll take advantage of this little break. I also want to explore the potential effects, we just had our general fund bond rating increase to triple a, and digging into reserves for causes like this, I want to find out if that is going to have potential effect on our bond rating. Okay. Good. So with that, we'll go to citizens communication. First speaker is ophelia. Ophelia in the chamber? There we go. Okay. Your topic is support for an item on the health and human services committee as well as the rfp process applied to social service agencies.

Yes, thank you, mayor, i just want to let the record reflect my name is oralia garza decortez.

I'm sorry, ma'am, what you have here is oh feel. Feel -- ophelia.

Not a problem. I just want the record to reflect that. good afternoon, mayor leffingwell and austin city council members, I am oralia garza decortez from the lady of guadalupe catholic church and a strategy team leader of austin interfaith. Austin interfaith is a broad based organization of 35 institutions who care about the health and welfare of our families and our communities. Austin interfaith leaders, are you in the chamber?

All: Yes! [Applause]

thank you for taking the time to meet with us, and to listen to our concerns. First, we'd like to commend you for clarifying the ordinance. Now we are able to exercise our first amendment right to speak with you and to meet with you face-to-face. This clarification benefits not just austin interfaith but all citizens of austin. Secondly, we commend public health and human services sub committee for expanding the funding to include even more programs than were originally recommended. We salute you for finding the additional monies to invest in a capital -- in a strategic economic development program, capital idea. [Applause] austin interfaith -- thank you. Austin interfaith converts the working poor into middle class wage earners. Whatever job programs do you know that takes people from an average of \$11,000 per year and in just over two years gets them earning an average of \$40,000 a year? The most recent study conducted by the ray marshall center founded our taxpayer investment is fully recouped after 8 and a half years if you take into account reduction in welfare and food stamp payments as well as contributions to the tax rolls. Equally astonishing is that the children of capital idea graduates have reached impressive educational attainment. 90% Have received their high school diploma. 7% Their ged, 75% are currently enrolled in college or have received some college education. Your vote today is an investment toward ending the cycle of poverty and making austin a more liveable city for all of its citizens. Once again, we appreciate your work in clarifying the no lobbying ordinance and providing the space for public participation for all citizens and advocate groups to speak on vital issues important to our community. I thin up the perville would be delighted by your vote for ordinary decisions to weigh in on the decision making process. We look forward to continuing to work with you in making democracy work in the city of austin. Thank you very much.

Leffingwell: Thank you. [Cheering]

Leffingwell: Next speaker is john mike ford. Appreciate the reference to the topeville.

We do our home work too.

Leffingwell: Yes. John mike ford.

Thank you so much.

Here. Thank you. My name is John Ford, and like everyone living in Austin, I receive extra doses of fluoride, because the managers of the city think it's such a good idea to involuntarily medicate us. On a daily basis. Now, fluoride is a toxic chemical. There's no doubt about that. And it adversely affects body parts, including the kidneys, bones, and thyroid. My thyroid no longer functions. It does not keep my body warm. My doctor has prescribed levothyroxine for me and he's told me I have to take it every day for the rest of my life. My doctors and my dentist have told me to avoid the fluoride you have put in the water. That's very difficult to do, I might add, because no filter you can buy takes 100% of the fluoride out. Now, there's thousands of people in Austin trying to protect themselves from the damage the city of Austin fluoride medicating causes. Thousands. But that's the little part. Much worse, the numbers of people who are unaware they need to protect themselves from the city's involuntary fluoride dosing, probably totals around 500,000. Most of the people don't know they need to protect themselves from this. Now, the fact that the Austin fluoride dose is tiny is irrelevant. Each day 50% of what goes in our body lodges into our bones, day after day after day. Damage to infants is even greater than to adults. Fluoride lowers their IQ. There are 25 studies that show that. Think about that. The city of Austin has a program that lowers the IQ of the children of Austin. I mean that's astonishing! It costs nothing to turn off the fluoride. Help us today at this meeting, please vote to stop adding fluoride to our water. Thank you. [Applause]

Thank you. Thank you, Mr. Ford. Next we have Reverend Lewis.

Good afternoon to the Mayor and City Council, and to this audience. And I want to say that I'm not here to speak politically, polite or politically correct. I'm here to speak on a very severe issue. The book of Joshua, chapter 4 verses 8, 9, and 19-24 talk about how when Israel came out of Egypt, and in their preparation to cross the Jordan River into the Promised Land, how the priest carried the covenant and when they stepped into the Jordan River, the water backed up on both sides so that the congregation could go through, and in the process, Joshua ordered 12 men to take 12 stones from the bed of that river, and stack them in a pile on the other side, and then take 12 stones from that side and put them in the bed of the river where those stones were taken from. What am I saying? In 1929, when my ancestors came out of slavery in this city, 1928, my ancestors came out of slavery, they were told that they had to jointly move east of what is back then was East Avenue and south of the City Cemetery, and they called it the Negro District. That's East Austin today. I'm here to let the city know that you will not -- and Doctor -- I can't remember his name, he will not take East 12th Street Missionary Baptist Church and turn it into a recording studio. You all gave him special permission because you changed the zoning so that he could turn God's house into a recording studio. The Lord ain't going to let that happen. You know, as a people, we have -- I'm talking about the Africans that came here to America. We have suffered greatly. We suffered slavery. Out of slavery we were blessed by the 13th Amendment that abolished slavery. We didn't have us equal rights until Dr. King. The 15th Amendment voting rights were all U.S. Citizens, we went through Jim Crow era. We went through lynching, share cropping oppression, separate but equal -- is my time up.

Cole: Your time is up.

Okay, well anyway, I want the city to know --

Cole: Please wrap it up.

I am.

I want the city to know that today I'm beginning the process to file a lawsuit a civil rights lawsuit against the city of Austin, and that Doctor, I can't remember his name, but I want you to know today the lawsuit will begin.

Cole: Thank you, mr. lou wiz. [Applause] laura presley. Health dangers of fluoridation.

Hello, council and mayor, we've come many times to speak about the danger of fluoridation, and I would like to talk a little bit about the political updates on ending fluoridation in texas. College station two weeks ago voted, the city council voted to end fluoridation. [Applause] it was a very active debate at their city council. It was very respectful and a lot of information was provided. They voted 6-1 to end fluoridation. What's interesting is four councilmembers did their own research. On the most recent information on fluoridation and they came to the conclusion themselves that outside of what I would call just word of mouth of dentists, the most recent data in the last ten years is fluoridation causes a lot of health issues and they voted it down. Really amazing. The other political kind of update on ending fluoridation, the league of united latin american citizens came out with a resolution and I want to read from that resolution, i cannot say it any better than what they said. In their resolution they say whereas the purpose of the public water supply is to supply water to the entire community which is composed of people with varying health conditions, and varying stages of life and of varying economic status not to forcibly medicate the population which is a civil rights violation. [Applause] okay. That's from lulac. Okay? They also said that minority communities are more impacted by fluorides as they historically experience more diabetes and kidney disease. That's out of the words of lulac. The league of united latin american citizens founded in 1929 has historically been a champion of the disenfranchised and a leader in the fight for social and environmental justice. They also said a growing number of cities and health professionals have rejected fluoridation based on current science and the recognition of a person's right to choose what goes into his or her body. Okay? Lastly in their resolution, they demanded to know, as we, the citizens of austin demand to know, why government agencies such as the city council of austin interested with protecting the public health are more protective of the policy of fluoridation than they are of public health? It's a great question. We demand an answer to that. And we have been demanding that. We do appreciate meeting with mayor pro tem sherrill cole, tovo and councilmember martinez, we're happy to have the meeting on the 18th to talk about putting a warning on our water bills as a first step. End game, we want fluoridation out of our water. That's what we want. Thank you, ms. priestly.

Thank you.

Leffingwell: Next speaker will be stacie hopp.

Cole: I'm sorry, mayor, I didn't see you down there.

Leffingwell: You didn't see me down here? Against the floor dating water supply.

Thank you for letting me talk in front of you again. What laura just said about college station, that's really exciting. There's a lot of things going on now with getting fluoride out of these different communities.

Leffingwell: Aggies down there?

I'm sorry.

Leffingwell: Aggies at college station.

Yes, and I thought austin was so much more progressive. What is this? It's this rivalry and they beat you. But I have a couple of comments and like laura had said, a lot of them elected do their own research. One of the councilmembers said, she said her vote was strictly about saving \$42,000. Julie schultz said there was other ways to add fluoride in one's dental routine. Another factor that people haven't brought up today, the amount of money that austin could save, like \$400,000 that they're paying to put fluoride in the water? Other things that have been happening right now online, there's a petition that's going to go to the boom administration that will prohibit funding fluoridation of the public drinking

water. They've got a thousand more signatures to go and then it will be just looked at by obama administration. There's a headline, flooded safety debate bubbles up once again. Again, every few -- every day we're getting like a few different cities throughout that are saying no to fluoride. I just wanted to read a couple of quotes from reasons that countries do fluoridate their water. From japan it says there is no need to supply fluoridated water to all users because, one, the impacts of fluoridated water on human health depends on each human being, the inappropriate application may cause health problems of vulnerable people. Two, there are other ways for the purpose of dental health care such as fluoride coating on teeth and using fluoridated dental paste and these should be applied at one's free will. From the czech republic, stopped fluoridation in 198 because it was uneconomical economic since only 5% of water suitable for drinking water is used as such, number two it's unethical, number three, unethical forced medication. So that's the most recent just date that I found this past week and thank you for listening.

Leffingwell: Thank you. Paul robbins? City issues.

Council, on september 12th you passed an item in the city budget that will make us a leader in environmental protection. Austin became the first large city in the country and one of the only cities in the country to buy 100% of its municipal power needs from renewable energy for city buildings and facilities. The city has still not converted its street light system to green power, but about 90% of its total needs are now powered by renewable electricity. My commendations to you all. However, the proposal electric rate structure could have austin being the wrong kind of leader by promoting electric rates that discourage conservation and hurt low income residents. Do you want to set the precedent of being the municipal utility with the most regressive residential rate structure in the country? With electric water and other utilities, there's a general rule that the more you make in income, the more you consume, could I have the first chart? This chart shows austin consumption, and I matched zip code from austin energy with census information on income in travis county. In general, it shows that customers in the bracket for the highest quarter of income use twice as much electricity as customers who are in the bracket for the lowest quarter of income. The next slide shows the huge increase in customer charges that are proposed by austin energy compared to charges for large municipal utilities in texas. The average customer charge for these top utilities is \$6.78. Austin energy is just below this at \$6. However, the four different rate proposals for austin energy will raise this anywhere from 16 to \$30. Even if you do not use a single watt of power. Actually, when you analyze the proposals, it is even more onerous than this chart implies. 81% Of the proposed rate increase will be borne by edward aquifer recharge zone by -- oh borne by residential rate payers, the customer charge will pay between 43 and 100% of the additional revenue required for the residential class. Again, whether or not a person uses a single watt of power. Raising the customer charge will adversely affect the poor and adversely affect rates that encourage conservation. These rates have been city policy since 1981. So the question I have is do you want austin to be the city that is greener or the city that is meaner?

Leffingwell: Thank you. Can kind of a long topic, I'll abbreviate if you don't mind, lulac district 12 supports the allocation of \$200,000 from the austin energy neighbor plan to fund various projects. (One moment, please, for ..) .. this factor has contributed greatly to their children dropping out of school. Therefore we have responded by organizing a parent education summit to train parents on how to get involved in the education of their children. The summit will reach out primarily to over 600 parents who have children attending eastside memorial high school. Our objective is to increase the graduation success and reduce the dropout rate in our barrio. A planning team comprised of ... has already begun a series of planning meetings. The majority of students will attend eastside memorial high school and its feeder school, martin middle school, live within the holly street power plant boundaries, thus qualifying our summits for funding from austin energy's 2011-2012 holly street power plant mitigation good neighbor fund budget. Therefore we are requesting a \$300,000 grant to fund our submitting and the academic center. The holly street power plant composed of landowners and the properties located adjacent of the holly street power plant has recommended to the austin city council that it award a \$300,000 grant to fund the summits and the center. The austin council scheduled to vote sometime in october on those -- what projects to allocate the one million dollars from the 2011-12 meeting. While we qualify for these funds, we still face competition. So we are asking you to please take time out of your

busy schedule to write or email a letter of support to the austin city council for a request for a \$300,000 grant in order to fund these summits. Mayor, I attended that meeting with aisd and we saw the problems in regards to prevention. If we invest time and money in this, then we won't have to be having those discussions, thank you for your time.

Mayor Leffingwell: Thank you. Marcelo tafoya. Lulac district 12, same topic, basically. With the -- a little bit different discussion on the allocation of the funding. Welcome, marcelo.

Thank you, mayor, mayor pro tem, I've been wanting to say that since you got elected and made history here, sheryl. Congratulations again. And no disrespect, mike, you know. Okay? [Laughter] first of all, my name is marcelo tafoya, I'm with lulac district 12. I'm here to ask you to support us in the Inesc, which is an -- an educational system that lulac has in place. We have five units or five centers, one in corpus christi, dallas

fort worth area, the houston area, san antonio area and el paso area and we want to bring it into austin. The Inesc is the lulac national educational service center that will be servicing the children -- after the summit is over, we would like to pick up the families and children and continue the process instead of just saying that it's a one-time deal. This way we can progress and keep the forum going. The Inesc for example since 1973 has -- has given out over 500,000 promising hispanic and disadvantaged children an education to go to college. Over 27,000 deserving minority students were able to go to college spending -- lulac providing more than \$18 million for these youth. What happens is that the money that we're asking is the -- to be able to launch Inesc here in austin. After that the national will subsidize it, giving us our matching funds. Then corporately continue supporting the event. This will be a one-time thing for the Inesc. We are asking for \$100,000 to get this thing off the ground. Also in 1975, more than \$300 million in scholarships was given in the past 35 years mostly by our donors and people such as mcdonald's and other companies. What we're asking is the opportunity to continue what the forum are going to be doing for our children in east austin and continuing the education of our children far beyond just one year or two years. Because why go through the expense and not have something backing you up, so this will be the backup for that. I appreciate your time and effort and once again, congratulations.

Mayor Leffingwell: Thank you. Fidel acevedo. Fidel acevedo? Not here. Next speaker is marcos deleon. Same topic.

Good afternoon, most honorable mayor and most honorable pro tem mayor and councilmembers. My name is marcos deleon, coordinator of the education summit of 2012. I kind of took the word summit to mean the highest point, the top most level attainable. The conference [indiscernible] to conduct diplomatic [indiscernible] ease international tensions, any meeting of the conference of public officials, et cetera, et cetera. Taking that meaning is taking us, leaders, us who are elected officials, those of us who serve the community, public service for the community, taking us altogether to focus on the eastside memorial high school at johnson campus. The idea is to reach out to these parents and provide a mechanism so they can learn how to -- how to deal, navigate to the system that the children are under. So in-- it's very difficult. A lot of these parents work more than two jobs, so we have to find a way to reach out to them, bring them together. The idea of these summits is something about not just complaining, but doing something about it. The idea is to go to eastside memorial, then going to one of the feeders, the schools, which is martin, eventually reach out to the elementary schools that feed into the middle schools, that feed into eastside memorial. So this is a big project. Two -- maybe one or two -- took maybe one or two years to complete. Behind all of this is how do we teach our parents to become more involved in their children's education. They are conscious about creating an educational home environment. Maybe they can't understand the math. What can they do to help the child, giving them the time to study, the time it takes to nurture them. A lot of things going on. Also one of the projects we want to create [indiscernible] create a cohort group to follow for five years providing with all of the resources, whatever they need, understanding what they have to have. Hopefully these 50 parents will show us what are we doing wrong as aisd or any other groups involved with these children. Now, understanding the moneys. The steward of the moneys will be aisd and the national lulac. This is -- these would be the

people who would be stewards of the money, there is where the money would go to. It won't go to us individually, but under the aisd budget and the national lulac budget out of washington d.c. We already have had four meetings. We are meeting again at eastside memorial next week and hopefully they will bring in two to four parents because this is very important that parents be part of this committee. Aisd has given us a -- a staff of four, a department to work this summit and hopefully university of texas has given us two individuals to come and meet part of this committee. The rest coming from the community. What's important, I told carstarphen, we need to -- [buzzer sounding]

thank you, marcos, thank you very much. Councilmember martinez?

Martinez: Commission deleon, I have a question. We mentioned this is in other cities, el paso, where else, did you say houston?

I think san antonio had one.

How are those programs funded in those cities?

They are funded through the national lulac, bringing funds -- they actually fund them in the national, goes down to the local. So it's like an accountability at the national level. [Indiscernible] annual reports, going to the national board. From my understanding also to the donors who give out money, that's my understanding.

Martinez: How much of the local event will the national lulac be funding?

At this point I don't know. I don't have that information for you yet. We're still in the process, of processing that, we are hoping to get more information. We were communicating with our national -- gavino?

Match?

It's a match.

It's a match.

Whatever we put in --

dollar for dollar usually. If they raise \$2,000, the national will watch them \$2,000, they have \$2,000 worth of scholarship money. I guess they keep that level.

Martinez: So the summit at eastside memorial, I know that councilmember raul alvarez is now in charge of the hispanic futures conference which sounds extremely similar to what you all are proposing. Are you working with him at aisd.

What doctor carstarphen did, she has a new program called community outreach, sanchez is in charge of gonzalez is her assistant. She assigned this department to work on this -- on this summit. Understanding that's her decision, that's what she wanted to do. That's what we are working with currently.

Martinez: All right. Well --

if you like, I can have -- [multiple voices]

I will have her call you to get more information. I would be glad to tell you the process -- we've already had about four meetings. Thank you.

Mayor Leffingwell: Those are all of the speakers that we have signed up to speak in general citizens communication. So without objection, the city council will go into closed session to take up two items. 071 of the government code, the council will consult with legal counsel regarding the following two items, item 73, discuss legal issues relating to chandler, et al, v the city of austin, item 74 to discuss legal issues relating to open government matters. Is there any objection to going into executive session on the items announced? Hearing none, the council will now go into executive session. What is your name? I don't have your name on the list. Not unless you're on the list. Sorry. There's a very -- very sort of strict process that we go through for citizens communication. It involves signing up two weeks ahead of time.

[Indiscernible]

Mayor Leffingwell: We are now in executive session. Recessed to go into executive session. On the question philosophically of power and the people. The imrest thing that we can do -- the greatest thing that we can do and the greatest measure that tests us as individuals is when given the opportunity to give away our power as members of the city council, as activists, as people who are part of the small closed system in our current city elections, when we are asked to willingly and freely open that system up and give away what power we have so that way more people can participate, more people can weigh in and ultimately decide their future, that is the truest test of who we are. And what disturbs me, and i think disturbs the vast majority of austinites in the past couple of weeks in this very short time is that the people want to have that opportunity. It is our right, it is our responsibility of those who are part of this system to end it, to open it up and let the people choose that future. Having worked on most all of the campaigns of the members that are here today on both sides of the issue, this issue transcends the politics of the past that we have been fighting in recent years and over the last decade. It is a travesty that nearly 40 years ago when elections began for mayor of austin to allow the people to directly elect it. As the population has more than doubled, more than quadrupled, if not more in size, if that electorate has gotten smaller by 5,000 people and 32,000 people chose two of the members of this council, is that not something that is wrong fundamentally in our system? For all of the debate politically back and forth about the charter, about personal politics. This comes down to power and whether or not we are willing to freely give it away and let the people choose. [Buzzer sounds] I rest. If there are any questions i would be happy to answer them.

Mayor Leffingwell: Thank you. Any questions? Councilmember spelman.

Spelman: So are we going to let the people choose when they want to have an election or are we going to choose for them and let them choose after that.

That's a fair question. I think that as many of the members here, next november the city of austin voters are being asked to participate in a number of elections, from the comprehensive bond proposals to rail, to single member districts, to who the city attorney should be responsible to, and ultimately when their elections should be. We are I believe all on the same page with that. And so the question comes down to why is this issue separate? Why is this issue different? I don't believe it is. And so that's a question that I can't answer for you because I don't believe it is different. And while I understand the concerns over extending term limits by six months for some of the members here, that obviously has not been an issue that has stopped other jurisdictions from going ahead and moving that. And ultimately the voters want to have that opportunity in november. The city voters do. And if you polled all of the voters of austin I imagine it would be even more strongly in support of that. So what is the real rationale? I remember working on your campaign, councilmember spelman, two years ago, and how we worked to ensure that you could get on the city council without there even being a challenge to that election. I don't wish to think to myself personally if that was a wrong decision and i don't believe it was because I think that your perspective and deliberative analysis on this council has been one of the strengths and I

ask you personally to consider that and to reconsider your vote as well as the others that are here to allow us that opportunity.

Mayor Leffingwell: Thank you.

Mayor Leffingwell: Okay. That is all the speakers that we have. Comments, council? Councilmember morrison.

Morrison: I would like to move approval of item number -- well, on second and third reading, if possible.

Mayor Leffingwell: Councilmember morrison moves approval of item number 12 on second and third readings. Is there a second? Seconded by councilmember spelman. Discussion, councilmember riley?

Riley: I'm going to -- I'm not going to be able to support the motion. We talked about this at length. I think the bottom line of the discussion this morning is that in terms of permanency of this change, which is that if voters -- regardless of whether we decide to move it through the election -- move the election to november or not, voters of austin remain free to decide in the future if they want to amend the charter to have the elections in may. If for some reason the voters wanted to do that, they would be free to do that. We would be likely to have a way to have it on the ballot next year along with the other amendments and -- or we can have it any time in the future. Nothing about moving the elections to november now would eliminate the voters' ability to do that in the future. On top of that it seems clear at this point that the voters we're hearing from are resoundingly in favor of moving it to november. I know judging by the input I've gotten, the emails are overwhelmingly in support of the move to the november. So in terms of respecting the will of the voters, there's every occasion that the voters would -- there's every indication that the voters would prefer that we move it to november. I would also say that having served on the public health and human services committee for the past few months, I'm keenly aware and mindful of the needs we have in this city and our difficulty in meeting those needs. So it's difficult for me to justify spending an extra million dollars or however much it will be to just have a fraction of the voters participate in our democracy next year. I just can't judge it by that. And lastly, I do want to say a word about the city charter. Obviously we have to be very mindful of the city charter and it's a concern when anybody suggests that the charter is violated. I think it's instructive to look at the history of how this issue has been analyzed in the past in this city. We have another provision that we've talked about a lot in the past work session and other meetings, and it relates to revenue bonds. I think it's worth just pausing to consider exactly what has happened with revenue bonds in this city because our city charter even today says in article 7, section 11, all revenue bonds issued by the city shall first be authorized by a majority of the qualified electors voting for that purpose. Revenue bonds shall be put to the voters. It says that even today. We have not been doing that for years because the government code of the state of texas for some time has said no, you really don't have to go to the voters. You can issue revenue bonds without going to the voters. It does not say you must go to the voters with revenue bonds, it says you can issue revenue bonds without going to the voters. This issue was litigated back -- as the mayor pro tem mentioned, during the discussions about the south texas nuclear project because we were going to -- we were putting revenue bonds out without going to the voters. The court has considered a challenge to that and ruled that the city charter must bow to the state law as state law understands the texas constitution. Thus there is no requirement that these bonds be submitted to a prior vote of the city. The courts have recognized that the state law trumps. When the state law says no, you don't have to go to the voters, we recognize that that essentially negated the city charter requirements that we go to the voters before issuing revenue bonds. I negated it, nullified it to where we're saying we don't have legal authority to go to voters because that item in the charter was essentially wiped out by state law provision giving us the authority to issue revenue bonds by going to the voters. It's hard for me to reconcile that analysis, which has been tacitly approved by six members of this council repeatedly, when we issued revenue bonds, with the position that now somehow our charter provision requiring may elections somehow survives the senate bill 100, which gives us the option of moving to november even in the face of a contrary charter provision. I don't see how those can be reconciled. In the interest of consistency, I think it makes sense

to take the view that the state law does control over the city charter that we have the authority to move the elections to november. And it's clear that it would save money, we would get a larger turnout. For all those reasons i won't be able to to support the motion.

Mayor Leffingwell: Councilmember spelman.

Spelman: Chris, I agree with you completely that we have the authority to choose whether to go in may or november. The state legislature has very clearly stated that we have that authority. And I guess (indiscernible) gives it to us. From a purely legal point of view we can do one or the other. On the other hand, we have a choice. The way I'm thinking about this is who am I going to listen to, the state legislature or the voters of austin? And given the choice between listening to our state legislature and listening to the voters of austin, i would pick the voters of austin every single time. The revenue bond issue is different. We talked about that a couple of days ago. We'll probably have a chance to bring that up again because I understand the charter review commission will be talking about that as well. And I will not put you on the spot and ask you whether or not you are in favor of having revenue bonds, but the change in the charter that would require the revenue bonds go before the voters, but I would be in favor of it myself. I want you to say another word about the charter. I don't mean to make this conversation any longer, but I did learn stuff on the basis of a conversation we had earlier. It turns out that the city charter was adopted in 1924. It was a replacement of an older form of government that had been failing all the way through the teens and 20's. It was a commission form of government very much like the travis county commissioners' court, other commissioners' court throughout texas. It just doesn't work very well at the city level. So a widespread belief was that something needed to happen to change it. In the 1920's, the happening thing to do in governments was to go from a highly political government with a strong mayor or with a strong commissioners' court to a council-manager form of government that was being promoted by the national civic league that had put together a model charter. The basis for our charter as adopted by the voters of 1924 was the model charter put up by the national civic league. That model is still in place and that model is actually still out there. You can download it and take a look at it. I will quote very briefly in the eighth edition. Traditionallily the model has advocated separating the city from state elections to allow a clear focus on local issues. State election laws in city charters frequently schedule municipal elections in the fall of odd numbered years or in the spring of the year. That was part of why -- the basis for why it is we vote in may and not in november is because when we adopted the model charter, we accepted that argument made by the national civic league as part of that charter that it would be a good idea to allow the voters an opportunity to have a clear focus on local issues and separate those from the national and state issues. That's where we are right now.

Mayor Leffingwell: I'm going to repeat myself, but I think it's worth repeating, that without aisd partnership, and we've , this election will cost the city, according to the latest estimate, \$1,821,255. That is a cost that could be almost totally avoided with an election in november, which we're going to have to pay for anyway. We will also have to pay some costs for an election in november. We have gone through this recent budget cycle where we're really literally looking for pennies. And it was a hard struggle and we had to make cuts where we didn't want to. When he to decrease library hours, we had to close public swimming pools during the winter months. We had to do a lot of things that were hard and that were a lot less costly than this, frankly. I think it's a disservice to our taxpayers to spend this money on a may election when we don't have to, and i think the majority of people don't want to. We've also been told, and the county clerk I see has just walked in and I'm going to ask her to come up and speak about another issue that if you want to comment on this also, repeat that a may election, because of the change in law, allowing overseas voters to vote, is going to be very confusing for our voters. And, quote, you will not serve your voters well by attempting to hold this election in may. So again, more voters, more money, for less voters if we hold the election in may. I want to address -- I think the county clerk wants to address the question of what was the intent of sb 100 and their understanding of it with regard to its permanence. County clerk, miss dana debeauvoir? I understand you wanted to make a comment on that?

Not really. No, I'm happy to be here for you. [Laughter] I wanted to offer you just a little bit of clarification, if I could. Regarding senate bill 100. I was part of the team that wrote this language. And I

did get clarification from Glen Shefler, who is the attorney that writes the Texas election code. So I try to come to you with some credentials, even though I want to represent to you right away that I am not an attorney. However, I do have some personal knowledge of what our intent was when we were trying very hard to write a bill that satisfied the federal requirements that the state of Texas was under and also tried to take into consideration the problems that this bill created for all of our municipalities throughout the state. And so when we were thinking about elections, it was plural, everybody in the entire state. Our intention was in section 0052, which is page 17 of the bill, there are two different sksz of the bill. One of the sections specifically outlines what it is you can do to deal with the may part of the problem. That you've got -- suddenly you're dealt this crowded calendar and how are you going to deal with it, with very little time? So the language of the legislation was written to try to give you time to try to answer the question what are you going to do for this particular may election when you don't really have very much time to try to cope with it, as well as in different language a DECEMBER 31st, 2012 Deadline to permanently answer the question of what you wanted to do with your election date as a decision by resolution -- and that's under section c, by resolution. And then later on in the bill in section 52 on page 33 it further explains how you deal with the situation of changing your terms by resolution. So now, legal minds can certainly argue whether or not we satisfied all of the requirements that a city charter would ask of you. That is a different legal question which I am not qualified to answer for you, but I can tell you that the intent of the legislature, the intent of those -- Dana Hannah, Glen Shefler, other people who were involved in drafting this bill, our intention was to try to offer you some options to solve this may's -- this upcoming may's problem and then give you until the end of next year to figure out what you wanted to do for the long-term. That I know and that I can clarify for you. There's also been a secretary of state's ruling, 420, your council knows about it -- your counsel knows about it, and I believe Bicker staff has given you some of some information. I apologize I wasn't privy to their comments. At any rate, I can speak to intent and I'm afraid that's all I can give you today.

Mayor Leffingwell: Mayor pro tem.

Cole: Thank you for coming again and being available for questions. You talked about being involved in the committee that wrote the bill. Are you familiar with the Texas Municipal League?

Yes, ma'am.

Before we talk about how they were involved in it, can you explain what they are and what they do?

The Texas Municipal League?

Cole: Yes.

Where sure. They're an soaghts that represents all of the municipalities, cities. It's quite a few large and small cities and townships around the state of Texas. And they do this before the legislature for a variety of different kinds of bills that they either on an offensive team want to get passed to proactively help cities or in a defensive posture to defend cities against bills that are bad for their business, their --

Cole: Are you aware that the Texas Municipal League has taken a position on Senate Bill 100 and that is public information on their website, and what that says basically, your understanding of that?

They had -- they did join late in the crafting of this bill, and I am aware that as of now they are probably still against the language for Senate Bill 100. And I believe one of their tenets is that they don't believe this language is sufficient to deal with the -- that this language doesn't give cities sufficient leeway to substitute by resolution the language that is really needed for a charter change.

Cole: So would it be fair to characterize the Texas Municipal League's position as being that a city charter

that has a specific date can only be changed by voters?

I believe that's correct.

Cole: Thank you.

Mayor Leffingwell: And I'll accept that. I believe that the city charter can only be changed by voters, but I also believe, which has been discussed at length here, that state law overrides the city charter, so in this case since signal bill 100 became law, this particular provision of our charter does not apply. Do you have a comment on that? Maybe I shouldn't ask you since I don't know what you're going to say. [Laughter]

I think you have legal counsel for that, but I did try to give you my best --

Mayor Leffingwell: Was that the intent? Was that the intent, to authorize cities to do this regardless of what their charter says?

The intent was to give you time to deal in the long-term until DECEMBER 31st, 2012, WITH The issues that have been created for you by senate bill 100 with this may crowded calendar. And then to temporarily resolve the problems of what were you going to do for dealing with this may? So yes, it was two different things.

Mayor Leffingwell: So they fully anticipated that they were giving the authority to the city of austin to make the -- to pass a resolution extending the elections until november and knowing that the charter read otherwise?

I think so, yes, sir.

Mayor Leffingwell: Okay.

Whether or not we did a good job is for attorneys and courts to decide, but that was our intent. [Laughter]

Mayor Leffingwell: Yeah. Of course, as we say a lot in deliberations, you've got to assume the law is right until somebody challenges it and overturns it. That's what we're going by right now. Do you want to come back tomorrow too? We'll be here at 1:30.

I'm at your service. So whatever I can do to help.

Mayor Leffingwell: Thank you very much.

You're welcome. Have a good day. Councilmember tovo.

Tovo: I want to say thank you for everyone's comments. It is clear there is much support in the community for moving elections to november and I want to offer that i support it as well. And when it is put out to the voters next fall, i intend to go and support that move for all the reasons many people here today and earlier -- and in our earlier discussions have articulated. I do think we'll have better turnout, a more diverse body of voters, but ultimately i have considered this issue carefully. We've talked about it a lot. We've had many, many executive sessions. And I think you know if you've been sitting here for this one just today that the -- the logistical complications surrounding it, the legal issues are complicated. It's not -- it has not been an easy issue to tackle this during this meeting. Or any of our earlier meetings. But ultimately our charter does specify may elections and I understand that state law has allowed us to

make a change to that, but I am going to support keeping the elections as per our charter in may and allowing that to be a public vote. Going to the voters for a charter amendment, it worries me that if we did move to change them to november, put it out to a charter vote, the public, if it got voted down, we might be waiting until 2014 to restore our elections back to may. So again to protect the charter specifications and also and very critically, our term limits. When the voters went to the polls this spring and voted me into office, they voted me in for three years, not three and a half years. [Applause] and five months may not seem like a long time, but it's about 10 meetings, it's one extra budget cycle. It is not the compact that voters expected when they came and cast that vote in may and again in june. So again, I support moving the elections to november. If that is the will of the people when they go to vote the polls and vote on it next fall. So thank you. I will be supporting today's motion.

Mayor Leffingwell: Assuming that the county clerk is wrong and that this is not the -- it was not intended to be a permanent change under sb 100, but assuming that she's wrong on that, I think the charter amendment language in the november ballot this year could be as simple as to the vote -- put the question to the voters, do you want to return council elections permanently to may? And that would totally solve that problem. There would be no having to wait with next year it would go to may. I didn't think that up by myself, but I thought it was pretty good. Any other comments? Mayor pro tem.

Cole: I appreciate all the public comment and i want to emphasize that I too would support a november election, but there are many more issues at stake here today. First and foremost our charter says that elections shall be held -- shall be held in may. And the texas constitution says that there can only be a change in that by an election of the qualified voters. So what we have been debating is what the senate bill 100 authorizes. Does it mandate this change or does it simply give us an option? I believe that it gives us the option. And if we want to take an action that is fully consistent with our charter, our oath of office and the texas constitution, we can simply support this motion and give it to the voters to decide whether we have a change in our elections from may or november, in november when we have our regularly scheduled charter elections. And I also want to point out that senate bill 100 specifically states that a resolution, a resolution supersedes a city charter provision that requires a different general election date. That means that we cannot change this by resolution and then turn around and have a charter election with another date and that is changed. And if it does mean that, there is no language in the bill that supports that. And lawyers can argue about that all day, but that is what my vote is based on. I will also point out that there has been talk about the founding fathers and issues of voter turnout. I could not support voter turnout any more because without changes in the constitution, I would not be sitting here right now. But the constitution also put forth limitations on government powers. [Applause] and this is the essential question here. As you may be familiar, the texas legislature passed the sonogram law. That law gave doctors the requirement that they take sonograms and show it to women attempting to exercise their choice of having a child, the pictures. And the courts said no, there are limitations on government power. The question that we are faced here today is does this governing body have the power pursuant to something that the texas legislature did to extend its own terms, set new municipal dates for elections, potentially move from staggered terms and many, many other items, or will we put those items as required by our charter to the voters. Throwing away limitations on powers is serious business. That's how we would have, if we didn't have a constitution, the sonogram, we would still have a poll tax. That was struck down based on the constitution. And especially all the rights and privileges that we have under the civil rights laws are upheld because of the texas constitution. So I did not believe that we can take those lightly. So in the words of martin luther king, we first have to determine if we are faced with a law or a constitution, is it just or unjust? And in this case I believe that the home rules -- our home rule status, our charter and the texas constitution are all just laws. And when faced with just laws and whether they should be upheld we have a moral responsibility to do that. And finally, in the words of barbara jordan, the constitution is real, it is alive, it is whole and it is complete. I will be supporting the motion. [Applause]

Mayor Leffingwell: Well, after that I have to say something. [Laughter] I'll be very brief. I'll just say that this is an opportunity to make the city of austin elections more democratic. In the words of somebody, and I can't remember who it is, democracy delayed is democracy denied. We have an opportunity to do

this next year and not delay it anymore. Councilmember morrison.

Morrison: Thank you. I would like to say that i thoroughly appreciate the really spirited debate that we have had over this everybody, and with all of that being said, with all of the complications and the issues that we really have to deal with, and many of them frankly are not sorted out, it comes down to me fundamentally that number one, yes, I do support moving our municipal elections to november. Number two, I think it is absolutely inappropriate for the seven of us to exercises a power to extend our own terms. And number three, that it is our voters' right to choose and to set forth exactly how we should move to november. So with that I look forward to a charter amendment. I hope that it is carefully laid out. I hope that it is resoundingly adopted and that should be november 12th, and that we should leave our elections for now in may. [Applause]

Mayor Leffingwell: Further comments? All in favor of the motion, say aye?

Aye.

Mayor Leffingwell: All opposed say no? It passes on a vote of four-three on second reading only. Continued tomorrow at 1:30. [Applause] so council, since it's a related item, if there's no objection, we'll go directly to item 4. Which is the authorization and execution of an addendum very appropriately to contract with travis county for election services related to may 2012. In the amount of \$500,464. If there's no preliminary comments we can go directly to our speakers. And our first speaker is david ring, signed up against. Donating time to david is willie lewis. Is willie in the chamber? Willie is not in the chamber, so you have three minutes.

It shouldn't take me longer than that. martinez, I feel that we share a bond, so I'm going to look right at you here. Let me see if I caught the gist of this. We're all looking for money to spend that we don't have, right? I got rope understand by the guys from vote rescue out there. They heard I was going to speak on this and gave me talking points, but I figure this is my dog and pony show. I looked up voting machine fraud last night on google and I was overwhelmed. I was going to come in here and dazzle the council with statistics, but I figured i would make this a little more personal. The story is about the most politically active person I've ever known. Irma (indiscernible). She was born in 1915 and she wasn't quite old enough to vote in the 1932 elections, however she did manage to vote against fdr three times. She was a staunch republican and being a republican and christian were her two most proudest achievements. Irma died in 1999, but a year before her death she was given a lifetime achievement award by the republican party of a county in missouri. Irma liked to volunteer her time and she was always volunteering on election day. Exactly what she did I don't know, but I can only assume that the volunteers counted votes and ballots. Texas is obviously worried about voter fraud with this bill that's been all but implemented as far as the voter id. I would beg the council to reconsider spending \$500,000 on the purchase of voting machines that we don't want anyway. I for one would be more than willing to volunteer on election day and make sure that those votes were counted and counted properly. I think all the talking points that they wanted me to talk about boil down to -- they boil down to the people wanting to know that their voice is heard. That their voice is counted. And that if there is some discrepancy, that there's something to go back to and look at. You know, I don't know if irma would agree with my politics today, but I hope if there's a heaven, I hope she's looking down and smiling that I've come here and taken this stance today. So I think that's about all I've got to say. I would just ask you forgive this money to somebody else. There's plenty of other people in this town that could use \$500,000, you know, as opposed to voting machines where we don't really know if your vote is being counted or not. Thank you, council.

Mayor Leffingwell: Next speaker is heather bosnio. Also against.

Good afternoon, council. I think that it would be unrealistic for me to expect you guys to vote against it. I think it's pretty clear that decisions are made well before public input is taken during council meetings. So I'm here simply to put on the record that I am absolutely opposed to the use of voting machines. That

these votes are counted in secret and that the integrity of our elections cannot be ensured when that is what's going on. Please consider that while we're moving forward through this. I would urge you to vote against it, but I highly doubt that's going to happen. Thanks.

Mayor Leffingwell: Next speaker is gus pena. Gus is for. This item of purchase of voting machines. You have three minutes.

Gus pena, native east austin austinite, proud united states marine corps veteran. I don't think I put for on there. There's been some confusion. I put item number 1, 3, 4 and 6 and that's why I was omitted from the other pertinent item.

Mayor Leffingwell: You can verbally correct your stance.

And I have already, mayor. That's what I said. Please don't interrupt me. Mayor and councilmembers -- [applause] no, no. I mean that respectfully. I don't mean it disrespectfully. Mayor and councilmembers, any expenditure that takes away money from basic needs, social service agency contract funding, I need to look at twice. Is this a needed expenditure? Well, okay, so be it. I'm not an expert on machines other than my old beat up car. Thank the good lord I have a car. I want to say this, though, machines are needed, whether they're accurate or not. There has been some history about the accuracies of machines. You're going to make that decision. I will leave it up to you. But I will say in closing is this, is that I am very, very much offended, offended by some councilmembers using the crux or the crutch, well, we could use this money for social service agencies. Where were you at, councilmember riley, councilmember martinez, where were you at -- how many times did I come before this elected body at citizens communication, at the risk of my health and my son was in the hospital, so he said dad go over there, tell them. I did, he was at brack and at seton. Don't play political games with us because the voters can read into you what you're saying. I find it offensive for me. I thought I was educated. I said durn, wait a minute, they're saying we could have used this money for social service agencies. Well, let me tell you something, you can find money if you look at cash cow in austin energy. There's money in there. But never, please -- and i say that respectfully, mayor. I love you, man, you're navy and I'm marine corps. That's cool. He was trying hard not to laugh, but he will smile. There you go, mayor. Show the pearly whites. Please don't play political with the lives of the people. Don't offend us educated voters. Voters matter over there. They're out there. They can discuss it but it doesn't mean they won't come out in may. I guarantee you one thing this coming election, these people are going to come out and vote. You will see droves. You will see a lot of people that are angry at some of y'all, what you just said. I'm one of them. I'm one angry american of mexican descent. I find it offensive for you to do that. I want to commend this group. I think probably I embarrass councilmember spelman saying he's a good guy. It's a respect. He laughs. Turning red. But -- [buzzer sounds] don't do it again. That's disrespectful. Thank you.

Mayor Leffingwell: Councilmember martinez.

Martinez: I'm confused pena is stating that he's for us moving to a may -- keeping it in may, but he's against this agenda item. And the only reason this agenda item is here is because we're keeping the elections in may and going to need the voting equipment. I'm not trying to offend anybody by my comments. The facts are the facts. If we spend this money on this item on new voting machines, and if we keep our electrics in may, that's potentially two and a half to three million dollars that we have to come up with. That's the facts. That's not politics. That's reality. And I just ask the city manager where he's going to come up with the funds if the worst case scenario comes to fruition? He doesn't know. But we're going to ask him to come up with it. So it is a fact that if we're able to fiend whatever number it is that you think it's going to cost, whether it's 400,000 or 4 million, that money could have been allocated elsewhere. And that is a fact. So I'm really confused by how some folks come down here and they're absolutely opposed to us moving this election to november, but now they're absolutely opposed to us buying the equipment to do exactly what they want because -- because council did exactly what they wanted us to do on the previous item. It doesn't make any sense. And I was right here. The question

was asked, where was I? I was right here everyday as chairman the of health and human services subcommittee scraping every single penny to get everyone funded that was requesting funding. And no, we didn't fund everybody. There were I can't remember, about \$28 million in requests and we had \$13 million to allocate. You talk about hard decisions. And we made them. Councilmember morrison, councilmember riley. And that recommendation sits before this body today. And we will fund social service agencies \$13 million, today. Is it enough? No. Never going to be enough. But we were right here and we have been here working on this the entire last two years to get to this recommendation to council today and we'll keep working on it. It not perfect, not the best system. We learned some things from the process, but I've been right here, gus, and I'll continue to be here and I look forward to working with you. Thank you.

Mayor Leffingwell: Councilmember spelman.

Spelman: Like all of us who are not on the health and human services committee, I am very happy, councilmember martinez, that you and the rest of the committee have worked so hard to find the money for social services. We have a tremendous shortfall and you guys have done a terrific job about trying to scratch up every dime you can to fund it on stuff, which is absolutely necessary for the people who need it most. pena, however, I need to point out that he signed up in favor of this item, which is not only consistent with his belief that we should hold the elections in may.

Mayor Leffingwell: He corrected that on the dais to say he corrected the dais.

When he came to the dais he said he's not in favor of it.

Spelman: My apologies. I have another issue, mayor. We'll probably have to discuss this between now and tomorrow, but councilmember martinez, I can come up with a million bucks as a shortfall. I can't come up with 2.4 million dillards. I would like to talk to you about the math of funding may election at some point in the next 24 hours. I just want to be sure that we're on the same page.

Cole: Mayor, I have a couple of questions of greg canally in our budget department. Or actually our budget officer.

Former budget officer.

Cole: Oh, that's right. You got promoted. Congratulations.

Thanks, I think.

Cole: Greg, we're talking about money here. So that's why I called you up because first of all, can you explain the general fund and how social services are funded out of the general fund?

Certainly. Every year's annual budget that the council just approve this had budget this past september for the fiscal year that has just begun, there's an allocation of funds that go into the social service arena and approximately 13, \$14 million of those funds have been approved and then they are allocated to social service agencies. So it is a line item within our general fund.

Cole: And when we talk about having capital expenditures, what choices do we have in being able to fund those? Or let me ask it a different way. How do we normally fund capital expenditures?

In terms of capital expenditures dealing with one-time equipment and one-time items, we have a financial policy where we -- city council is able to allocate up to one-third of our budgets stabilization reserve for the use of -- for the use on purchasing police cars and other one-time equipment on an

annual basis. So that's how we typically fund one-time purchases.

Cole: So how would this item be funded?

Again, I think I'll go back to the city manager and let him -- let the city manager respond to that.

Ott: As I alluded to earlier when this subject came up, we have a general fund reserves and we have three categories of them, emergency reserves, which I described earlier. That's a hard reserve. We try to maintain that at \$40 million. When we do use it we use it for unforeseen things, usually the extraordinary circumstances like natural disasters. We have our contingency reserve, which is for unforeseen needs during a given fiscal year. And our financial policy requires that we replenish that the following year. Canally alluded to the reserve fund. We are about \$36 million. It's used for one-time items during the course of a fiscal year. That is -- we use about one-third of that. That's consistent with our financial policy. So those are areas that we could go to, to fund the added costs associated with the may election. More than likely if I had to choose from among them, it would be the stabilization reserve fund.

Cole: That would be consistent with our past practices? Well, that's generally -- generally --using capital expenditures for one time police equipment.

Ott: Using an amount up to one-third of it would be consistent with our past practices.

Cole: What I'm really trying to understand is whether we need to be concerned with our social service budget number because we are contemplating this expenditure.

Well, in terms of the current budget I guess I would say not. I mean, there is an allocation and I think that Canally was alluding to it, 13 plus million dollars that council will allocate for a range of social services. So that money is already provided for.

Cole: Okay. And consistent with what you said earlier, we already have money budgeted for a may election, is that correct?

Ott: We do in the sense of -- I'll need to refer to the clerk's spreadsheet again. In her current budget she has budgeted \$791,269.

Cole: Okay. So -- I don't know if this is you, Marc, or Greg. Has there been times in the past where we have both a may election and a november election?

Ott: That I would have to defer to the clerk. I don't know the answer to that.

Cole: And I ask that question, but I know the answer because sometimes, at least every six or seven years, we have a bond election in november.

Yes, ma'am. And it's relatively frequently. Just two years ago, I think, when you had your bond election, it was in november.

Cole: Our 2010 bond election was in november. Was that previously budgeted for?

Yes, ma'am. Because that was all in one fiscal year.

Cole: But we never budget for the next year until we're getting in the -- going through the process of

adopting that budget. Correct?

In that case your november election came first and then your may, so they were all in the same fiscal year. And we did budget the entire amount.

Cole: So if we had waited for the 2010 bond election for the 2012 bond election, we wouldn't have had the 2010 expense either.

I think that's true.

Cole: That's true. So any time we don't have an election we have less expenses, but based on the analysis of what we're going through, we have to make that determination. Thank you, shirley.

Mayor Leffingwell: Okay. Just to address a couple of those questions. The \$709,000 that had been budgeted for the may election, if that money is not spent on the may election, could it not be spent on other things in the general fund, I guess, greg?

Certainly. As we go through the course of any year we look at the expenditures and revenue coming in, we make projections of current year estimate. If those funds were unspent, they would either be available for other uses or fall to the bottom line.

Mayor Leffingwell: So i would submit that having the may election does have the potential effect of taking money out of social services services. And you don't have to comment on that. I will just assert that. And the other part is taking the policy on taking money for one-time only expenditures out of the stabilization fund, doesn't that -- isn't that expected part of the policy is to pay th bac

our policy as stated for the stabilization reserve, is that in any given year we're able to spend up to one-third. I will say that on any given year as we go through the budget process we want to make sure that we maintain healthy reserves across all of our reserve funds.

Mayor Leffingwell: Right. And part of that would be potentially you could take a third every year, but that's not the idea. The idea is to keep it at a certain level so you would have to replenish the reserve fund out of what would otherwise be general fund the following year if it were not done automatically you would have to see to that.

Again, part of our approach, the city manager approach to looking at our fiscal situation is to make sure that we have strong and healthy reserves and strong reserves.

Mayor Leffingwell: Isn't that a part of being able to achieve a very high bond rating is having sufficient reserves of all kinds, three types, as named by the city manager, including the stabilization fund?

Yes. Certainly one of the factors when we go through our annual credit review with our rating agencies is they want to make sure that we first and foremost are adhering to financial policies and maintaining kind of a strong perspective as we approach using those funds. And if we do use the funds that we have a plan of action to keep them strong and replenish them.

Mayor Leffingwell: And I realize this is relatively small amount of money in the big picture at least it is. But the philosophy behind depleting your reserve fund for one-time expenditures on a continuous basis is not a sign of good financial steward ship, I wouldn't think.

Again, if there's -- i would respond by saying i think as we work with our financial advisor and as we go through that annual rating review process, if there was a pattern of using a continual usage of one time

funding kind of outside of the typical budget process that we've just gone through, we believe that the rating agencies would certainly want to have a conversation about that pattern and made sure we had a plan in place to address it and to go forward.

And in fact, there are plenty of other one-time capital expenses that we fund understand this year's budget out of the general fund. In order to avoid going to the stabilization fund.

Correct. As part of our policy we used some of the -- up to a third of that to fund our ongoing needs.

Mayor Leffingwell: All that stuff.

Yes, sir.

Mayor Leffingwell: Thank you. Next speaker is linda green. She's not in the chamber. (Indiscernible). We'll pass. Signed up neutral. Carl thomas muscleman signed up against. Welcome back.

I wish I didn't have to be back. I actually have one question for council. And in particular is to kathy tovo. Earlier this year your campaign, as well as others involved in your campaign, were very concerned about the costs that would be burdened on the city by holdg a runoff election. How do you feel that this issue is any different than those concerns and will your vote be consistent with that statement that was made earlier this year?

Tovo: Well, thank you for asking that question. I don't think it's typically the protocol here that people ask questions of the podium, but I'm happy to answer it. I've gotten a few emails about it. For the record, and you're welcome to go through all the media coverage on this issue, I never once raised a concern about the cost of having a runoff election. When asked about it, i always said, it is every candidate's right to proceed with a runoff election and i fully expected my opponent's decision to make that decision on her own. And not be swayed by public opinion. So please feel free to do the search to back me up, but I never once said that my opponent in the council race should cease her campaign and stop and not proceed along with the runoff. But I do know those concerns were raised.

Okay.

Tovo: Thanks. I have another comment about money, if you want to talk about money. We are now talking about expenses and affordability was sort of a central part of my campaign. And if we're going to talk about how we're spending money on election equipment, which is our responsibility to do to hold municipal elections, we could look at some of the past council decisions and see what we might have done with some of that money, like say the 3 million in lost revenue plus money to support i think it was sewage infrastructure for the lodging. We can have this discussion all day long about how we would rather spend the money, but I appreciate you bringing up the cost issue because it did give me an opportunity to set the record straight on that.

I wanted to clarify on that. I wasn't sure if you disagreed with your supporters and their view of that being a concern and expense because I know that since that time a number of those supporters of yours -- it's cut both ways on this issue certainly. I know some of them have encouraged you to vote for a november election. With that in mind, and there's others that have not, which I have found a little bit contradictory. So I think I've just been curious as to which side of those you would end up with. I have no further questions.

Tovo: I'll say cost is a concern that should always be before us. You know that as mayor pro tem cole pointed out, there have been years where we have had to support two elections. We have to consider the issues that come before us and it is our responsibility as a municipality to support by purchasing the

infrastructure that allows us to do that. So thanks again.

And having the purchasing of these machines for the may election, which of course is required due to a lack of machines that would be available to the overlapping electoral schedule next spring, I hope that all the councilmembers will take into consideration due to their statements about how november would potentially create a confusing, large election with multiple items that would not allow folks to be as focused on the city election, to consider the fact that for the first time the city election will take place during and in between the presidential primary and presidential runoff. And that two days after the first round of city elections next may, we will begin voting for the runoff for the special primaries for both parties. And if we are concerned about confusion for voters, how is that not ultimately tremendously confusing to have to run simultaneous concurrent elections? [Buzzer sounds] I rest.

Mayor Leffingwell: Thank you. Next speaker is -- those are all the speakers that we have signed up wish to go speak. So council? Councilmember spelman moves approval of item number 4. Is there a second? Second by mayor pro tem. Discussion? Councilmember tovo.

Tovo: Just a quick -- not really a question, if the city clerk wouldn't mind just vair figure my understanding on this. On tuesday we talked about the equipment that we're purchasing today, if this resolution passes, and it's resale value on the market. And I know there weren't figures available and it's not -- it's too soon to know what we would get, but i just want to make sure that we cover that point again. It's my understanding that if we purchase this equipment when the equipment across the county is upgraded that this would be sold along with the rest of that equipment and we would recoup some percentage of our investment.

It would be a trade-in on the new equipment. That's how it handled in the past.

Tovo: But we would reciewp some of our quevment?

Yes.

Mayor Leffingwell: While you're here can i follow up. Could trade in, does that imply -- these are extra machines for this election only. If it weren't for this may city council election, these machines would not be in the county, so to speak. So are we anticipating that we're going to need extra machines or are you going to trade in more than we buy? How does that work? Obviously it's a loss if you buy machines that will not be needed in the future.

That's a dana question.

Mayor Leffingwell: I think I answered my own question. I always get a better answer that way. [Laughter] councilmember martinez.

Martinez: Too bad nobody is listening when you answer yourself. [Laughter]

Mayor Leffingwell: I don't know whether to resent that or not.

Martinez: So I'm going to be voting against this item, but it's certainly not because I don't want our staff to be equipped for potential elections. But I would assume the obligation to vote in favor of this rests on the four that voted to maintain the election in may, because that's the only reason this item is on the agenda. So I will not be supporting the item, but I certainly support our staff.

Mayor Leffingwell: As i will not be supporting this item for the same reasons. Further discussion? All in favor say aye? Opposed say no? It passes on a vote of four-three with councilmember riley, councilmember martinez and myself voting no. Councilmember morrison, you had requested that item

61 time certain, do you anticipate -- there are 26 speakers signed up to speak on this item. Do you want to bring that item up now?

Morrison: It would be my request. I would appreciate that.

Mayor Leffingwell: So we're calling up item 61.

Morrison: Yes, sir. This is an item on the comprehensive plan trying to figure out next steps to address an opportunity to ensure that we make this a successful effort. So I look forward to hearing from the speakers and then there was some spirited discussion about it last tuesday and whether or not we had really done it in the optimal way in terms of who would be responsible for what. So we'll continue that discussion after we hear our speakers, but I have had the opportunity to work with some of my colleagues on it.

Mayor Leffingwell: Okay. We'll go to speakers. Sylvia benini. Do you want to come up to the podium and put it on the record? You can sign up to speak if you would like. But if sylvia is not here, i understand that she's not here. Mary arnold? Donating time is jeff jack. And steve spear. Steve, I see you, spear. So mary, you have up to nine minutes.

Thank you very much, mayor leffingwell and members of the city council. As many of you know, I've served on the planning commission for a few years and had also served on the goals assembly for the austin tomorrow comprehensive plan. The goals assembly operated in about 1975. That was a few years ago. When I was on the planning commission, we attempted to have a new comprehensive plan, but during that process of working with citizens in a citizen driven comprehensive planning effort with two new city employees brought here from florida because of their experience with comprehensive planning, with a new provision in the city charter about comprehensive planning all as a precursor to this new comprehensive planning effort, the ability of the city to do a comprehensive plan that would be particularly meaningful was diminished by actions at the state legislature with regard to the meaning of a city planning in its e.t.j. So here we are today with a draft that is called, quote, "our plan" on the city website. And I'm sorry to say I have to question that terminology am right now. Because I don't feel like it's our plan yet. And I think that the resolution being introduced by councilmember tovo and councilmember morrison will help to take the draft that has been presented by city staff and the consultants and give us an opportunity to more specifically begin to own it as citizens of austin. Prior to a vote by the city council to adopt it or not. So I am in support of the resolution. However, I had difficulty last night trying to read the comprehensive plan draft on my computer because the documents, the chapters on the city website would not fully load, and I had the same problem this morning. I've had no problem loading the city budget document on to my computer, but this plan out there simply is not loading on my computer and it's not available at the city libraries. I asked and, no, it's not at my local library. They do have a huge document on urban rail. So I urge the city council to see that some of these draft plans are made available to the public in a printed format at the public libraries or at least some of the public libraries. Some things that I hope will be addressed, it's -- if the resolution is adopted, is things like the completeness of data. As you know, there are existing long range plans in several departments that may or may not be compatible with a new comprehensive plan. And I think it's important for us to know what commitments the city has already made, particularly in the e.t.j. , That will perhaps limit the ways in which the city can propose to manage growth in the e.t.j. Let's know now what those commitments are, have those commitments -- have those commitments been pulled in to this "our plan". I know that was one of the big problems when we were doing austin plan because at that time the citizens were told if a property has already gotten its zoning, that's all there is. We're not going to touch it. That zoning and intensity may be in the wrong place, but it's there and we're not going to try to change it. So what are the commitments that the city has made already that we will hear the same thing? It did not be changed -- it cannot be changed. Urge you to slow down, ask the citizens' taskforce to take a look, make this thing available in a way that we can really take a look at it. I know with our neighborhood plan there are things in this new draft that do not fit with the neighborhood plan that my neighborhood came and talked to you all about and you all adopted a neighborhood plan. But there's a

conflict with this new draft. And I think other neighborhood associations are having the same problem. So thank you very much. Please adopt the resolution.

Mayor Leffingwell: Thank you. Councilmember morrison and then councilmember riley.

Morrison: Real briefly, regarding the issue of availability of the draft plan at our libraries, i noticed you taking, city manager, some notes when she made that comment. Do you think that's feasible to be able to get the plan out?

Ott: That's why i stepped away. I already have staff looking into it.

Riley: I would encourage anyone else interested in the plan to go online to imagine austin.net. I just called it up on my computer. You go to our plan. You can either go to the -- flip through the full plan or go to chapters. I also called it up on the phone and you can view the whole thing on the phone. That does appear to be working now. I encourage anyone who is interested in this to go to net and check that out.

I entered this taskforce two years ago excited, engaged and honored to be a part of such a project. Two years later I am disappointed, disenfranchised and profoundly frustrated at a process that is flawed and in my opinion failing. I have publicly stated that had this been a train on a track, the track is already laid and the taskforce is being asked what color to paint the cars. I have nothing in two years that dissuades me of that thought. Our citizens have been led through exercises with incomplete or erroneous information. They've played games and it has been called a game on the instructions in city planning that became preferred scenarios for our future plans. In various stages we've ignored the aquifer, planned to build infrastructure without regard to cost and asked citizens to be sensitive when they place thousands of new residences in the floodplain. All this and more has become the fabric of this plan. Now we have a draft of the actual plan. In many ways it's perfect. It outlines a place where everyone, well educated, healthy, respected, gainfully employed and will be able to walk and bike everywhere. Austin will be beautiful, sustainable and will have more choice in transportation than we can even imagine right now. To most this is utopia. How could anyone object to this? Yet there are no teeth in this plan. There are no funding plans. There's no road map for getting to utopia. In fact, I would call this a vision and not a plan at all. But what I'm really concerned with here is not what is in this plan, it's what's not in this and how these emissions occurred. Since I represent locally owned business, I have followed carefully the public involvement in this, noting that the public has expressed its support of locally owned business on numerous occasions and in numerous ways. The first economy working group, the meeting was on March 26th, where the details of this vision were to be defined, local business was mentioned in 27 separate actions and ideas. Unfortunately I couldn't be at that meeting, but after I read the report on it, I was just so pleased to see the public express support for locally owned business. There were some amazing ideas in this. At the second economy working group, the meeting was on April 14th. Local business was in 23 additional actions and ideas. Again, I couldn't have been more pleased. City staff then compiled the hundreds of ideas and actions into a list for the public to vote on. When this list came out for the public to vote on, local business was in one item. As the economy building block section of the draft plan, the draft comp plan that I'm sure y'all have all seen, outlines 17 economic policies that it's proposing. There is not one mention of local business. You each have a folder that I've given you that includes these backup materials. I've given them to you today because they were on the website and they aren't anymore. These are copies that I have printed out earlier. So how did we go from a combined public input of 50 action items to one, to none? You may think this is easily involved by just adding in another item that includes local business. This seems like an easy solution. But this is actually indicative of a much larger problem of filtering and selective use of information. So how do we fix this? This brings us to today's resolution and why I had some confusion in changing my vote. What I would like to see from the council today is, yes to this resolution, but actually a much stronger resolution. And I would urge you to take a little bit of time on it and look at it and look at ways to make the resolution even stronger. Also included on your packet on the right-hand side -- I guess it was about a month ago, several taskforce members and concerned community leaders met and crafted a resolution that was

submitted at councilmember morrison's request. I've enclosed add copy of this. It includes every little thing we would like to see. I understand that all that probably won't make it into the final version, but now you know what we've asked for. Please take a little bit of time and give us some time to review this process, to review the product, to fix it before it becomes a train wreck. Thank you.

Cole: Thank you, rebecca. [Applause]

on the issue of a compact, connected city, each much you should have received an email yesterday from jeb boyd expressing a similar viewpoint that we need an extension of the schedule in order to adequately deal with that and other issues. Again I wholeheartedly agree. In fact, on that issue compact connected city is listed as one of five major guiding principles in the plan. But there's no plan or program for implementing the principle. You need to look no further than the plan distributed at saturday's party. I've given each of you a copy of the five major guiding principles. Four of them have at least one priority program for implementing the goal. The principle simply disappears into the ether. What the plan does talk about is nodes, compact nodes, but says nothing about bringing those nodes together in the form of a compact city. In fact, the map sends those nodes out into a pattern that directly contradicts the guiding principle. The idea seems to be let's say it and then forget about it. That's what we did 30 years ago and that's exactly what we vowed not to do this time around. I'm asking that the council extend the schedule by 90 days and direct staff, consultants, the taskforce and the planning commission to spend that 90 extra days having informed, substantive focused, serious face to face discussions about at least the four broad issues that I just mentioned. Everyone can use the current draft of the plan as a jumping off point for those discussions. Nothing will have been wasted. We can be forward looking and efficient and by talking openly about where the plan needs significant improvement, we can arrive at a vastly superior comprehensive plan that will result in a vastly superior future for this community. Thank you all for your time and for your serious consideration.

Cole: Thank you. Next we have mark lynn. And donating so mark is joyce (indiscernible), speaking in favor. Is joyce in the chamber? There you are. All right. Have you six minutes.

Thank you, mayor pro tem and council. I want to say I honestly would rather not be here today. It's been a really contentious day. I've never seen a day like this on council. And I want you to know, like rebecca two years ago when i started this process --

Cole: We're glad you're here.

Thank you. Two years ago when I started this process I also was an ardent supporter out of sheer necessity of a comprehensive plan. In order to limit further sprawl that's just did he grading our environment, stretching our resources too thin, protecting our natural resources and achieving the kind of densities that will be required for a viable transit, pedestrian oriented city. And I want to say that I've had the good fortune to live in both san francisco and study architecture in copenhagen, denmark. I've lived in vierpts where you do not need a car to get to work, to go to a grocery store, where you can walk down a mixed use corridor and receive all the essential services that you need in a city without having to get in your car and drive from parking lot to parking lot. I know there are real vangs to living like that and i would love to be a supporter of this plan. But I think you have to say that for someone like me to not to support this plan there have been to be serious problems with it. I've identified no carrierringconnect 57600

so really they didn't feel like they had the basis to make these decisions. We were told by staff at the time not to worry. All the kinks would be worked out in the working group's process and a lot of hope was placed in this. If you recall, experts were appointed to help rectify some of these differences. And give it some real teeth, work out the specifics. But the working group process ironically didn't workment public involvement by even our own experts was fairly curtailed by a process really dictated by staff who constructed these pre-determined exercises that narrowly defined in their scope and I have to say were ridiculously simplistic to ask of even the public but certainly for experts in the field. I mean, there was --

decisions were made by sticky note. You know, how indepth can you get into an issue when you have to write something on a two by two colored square that you stick to the wall? And is this really the way we want p processes and decisions to be made. I have come to the conclusion city staff are steering this process. It has not been one they are one of public input and commentary. As a result we have a plan i would say has a lot of fragmented recommendations that may or may not work together collectively and cohesively because no criteria were stabbed. There are overlapping interests. There could even be conflicts as I pointed out we really haven't resolved. There is no systematic analysis or followup to discuss the content. There is instead really been a rush to just get it approved. Now, in conclusion, I -- i have to say that early on in this process I heard people saying it doesn't really matter what we do on this task force. This plan has really been pre-determined. And I defended this process. But I have to stand before you now and feel like I've come to the same conclusion. It really hurts me. I grew up here in austin and this city deserves better. So I hate to say that bluntly, but I know I'm not alone in making this assessment. I do want to offer a few solutions. First, we have to try to take the politics out of this plan. There is too much stuff going on, there's too much pressure by whether it's traffic -- transportation interests, and I'm not going to get into all the rumors. [Buzzer sounding] could I get -- I guess not. I have specific recommendations, but i understand.

Spelman: How many specific recommendations have you got?

Four more.

Spelman: Could you give us a one line on those?

Sure, they are pretty much one line. The plan scoured for contradictions and content and compared to the original vision statement. Specific components should have some plan to determine criteria and implementation. There are no metrics. Metrics are conspicuously absent in this plan and makes it --

Mayor Leffingwell: Did someone want to donate time? You have an additional three minutes.

Thank you, mayor. Finally prioritization. There is no prioritization in this plan. You have these things recommended around the perimeter of the city even though the plan says we need a dense urban core. They could be remedy by prioritizing but currently the plan has none of that. If we were to prioritize and only do stuff in the perimeter the city grows and ages. Vote for this plan if you agree wit, but please don't be under the illusion it really represents public input and this plan was developed by approximate public. Thank you very much. -- Developed by the public. Thank you very much. [Applause]

Mayor Leffingwell: Councilmember tovo.

Tovo: I have a question. Some of the recommendations in this resolution are -- are suggestions for the task force -- or guidance for the task force in terms of the revision process. Do you feel that the specific areas of analysis would be useful?

Yes, but I do agree with rebecca that resolution needs more teeth. I really think that the task force needs to be put in control of the process at long last and city staff be directed to assist us in that.

Tovo: Thank you for that.

Mayor Leffingwell: Joan bartz. Donating time is carol braxton. Okay. Alice houston johnson. Okay. Jay chambers. Joan, you have up to 12 minutes if you need it. I have no doubt that you do.

[Inaudible]

Mayor Leffingwell: I said you have up to 12 minutes.

Okay. Didn't have something added on there?

Mayor Leffingwell: I said I have no doubt that you will use it.

Thank you. Appreciate it. I'm going to follow up in some degree with what has been previously said, but on a different tact. Basically this resolution is to give the task force members more teeth, more control, more recognition that they are not brainless, but in order to understand that you have to understand some of the things that are in this plan first of all. So I'll start there. The comprehensive plan is not a project based on the views and needs of the citizens and taxpayers of the city of austin. And I'm basing a lot of what I say on my previous experience with said plans. It is a project for the benefit of special interests and championed by the city of austin bureaucracy. We'll get into that later. While special interests such as real estate, banking and legal and other associated interests do play a role in the future of the city, they are not the only players with a stake in this project. They seem to think they are. What this city will be doing in the next 20 years is of equal importance to our middle and lower income citizens, taxpayers and voters. In fact, the middle and low-income citizens have a much higher stake in austin's future. These citizens do not cut and run when things don't go their way. They are in it for the long haul. Conversely, special interest citizens can pack up their financial portfolios with when this best suits their plan. This brought to mind something I experienced while working with the original citizen run austin tomorrow program in the EARLY 1970s. I don't even need to read this because it's been stuck in my mind all these years. I was president of the gold assembly. At one of our gold assembly meetings, a gentleman walked -- an individual walked up to me and said, immaterial I'm resigning, because, his exact words, I don't see any reason why I should have to discuss the future of this city with housewives and blue collar workers. That should be left to the business community. Well, I explained to him quite succinctly and as pleasantly as my mother had taught me to do exactly where he was wrong and that the ones he was dissing were the ones in effect that kept this city running. It's the ones he was dissing that makes their companies profitable. It's the rank and file workers who come to work in their businesses every day that allow them to enjoy these lovely bottom line income figures that they have. So instead of treating them like they are absolute idiots, they need to revise that opinion. Regrettably this entitlement attitude is still prevalent in a city that publicly decries the existence of class distinctions based on economic and location criteria but privately believes it has the right to such a distinction. And if time permits at another time and place I'll give you very explicit examples. While this I am special attitude by some members of the business community, and I'm stressing not all of them, continues to blatantly exist in austin, this time around it is just as blatantly joined as the hip with the city of austin bureaucracy whose attitude is we are in control of this process. That's a statement that has been made. The attitude of the bureaucracy is documented by such utterance says working group citizens were told by garner stowe in regard to opinions and ideas not espoused by the bureaucracy that the discussion you are taking in this discussion does not reflect reality. I wrote that down as he said it. I was in that group. In other words, anything not following the company line, coa line, is verboten. Now we talk about the task force. What I sent you previously I refer to it as the ctpf. That wasn't a mistake. The a stands for citizens activities or being active in this. There's no active role allowed basically in this group, as best that I can figure out. There -- the bureaucracy's attitude concerning the cat's role in this. It is difficult if not impossible for this task force to do an incredible job for the citizens of austin when the bureaucracy blatantly tells the task force they were not in control. The city of austin bureaucracy is in control of this project. That has been said. Coa interference in and control of the work of the task force also includes, a, not providing all data needed on each subject including moveable economic data, denial of --, but, denial of request for needed data. C, refusal to consider recommendations of the task force. D, using authoritative and condescending language when addressing task force members. And e, lack of availability of task force meeting minutes. If the role of the catf is act as a mirror reflecting the dictates of the bureaucracy and not the concerns of the citizens, why have it, why have a task force? Such machinations reveal the bureaucracy's illusion it is the only entity that can possibly know what's best for austin and anyone who grease with that premise is hided in a direction that does not reflect related. What is being espoused by the comprehensive plan is all puff and no proof. This has been alluded to by previous speakers. Without comprehensive and provable economic data and a workable development

plan for each element proposed for the next 30 years, this is a mega train wreck waiting to happen. And when that happens, the bureaucracy will claim it was only following the directions of the catf. Control of the catf should be in the hands of its membership based on city council directive. Y'all need to take charge. You are in charge of this city. Including choosing a leader who will give equal emphasis to all points and act as a buffer against overbearing bureaucratic manipulation and the attempts of the task force members to address the needs of the citizens of austin, texas. The organization I represent which is the university hills neighborhood association as well as myself individually and as 43-year resident of university hills, we fully support the intent of the resolution before you today and I have another resolution idea that's been coming up and some of this is from that so it is much more deliberate and concise than what you have. We fully support the intent of the resolution before you today. That the fundamental roles and responsibilities of the task force be clarified I will loosely dated and support by the austin city council that appropriate city departments provide resources and sentence take the task force at its direction. That is, the task force direction. And without usurping its authority. And that the final day for completion

adoption of the comprehensive plan be reset to a later date as determined after internal review of the catf. Some other things you need to be aware of, equity. The effects of this comprehensive plan will not be equitably shared by all areas of austin. The anticipated population explosion, the concentration on commercialization of present single-family communities, the emphasis on profit over moveability and uniqueness. These changes are once again programmed with few if any exceptions to take place east of ih-35. Citizen participation results being claimed by the bureaucracy are the results of playing games. When I first was introduced to meeting in a box, my immediate thought was this is a kids game. This is a very serious project. What in the world are we doing this. And the same applies to the chip exercise and the working groups. You are treating the citizens of austin as if they are totally incapable of serious, intelligent, professional discussions and reaching solutions by asking them to participate in kid games. And this is supposed to be our comprehensive plan for the next 30 years? This demeaning, childish approach to deciding the future of our city, not to mention implying that some austin citizens are incapable of intelligent, professional involvement in the process places the credibility of the entire comprehensive program at risk. That alludes to what some of the others have said about it isn't worth much of anything. And I want to bring this out also. The intent of the comprehensive plans, hidden amongst all the bureaucratic verbiage on the comprehensive plan is the ultimate intent this program. That being once the comprehensive plan is authorized, the rewriting of the land development code with emphasis on farm based will commence. The drastic revisions resulting from this code will result in a city that has lost the uniqueness of austin now reflected in the individuality of its citizens and the area where they reside. It will contribute to the destruction of treasured family values identified through generational living in areas of each family's choosing. It will result in an austin homogenized to reflect a single concept based on undue influence from the west coast to the newly discovered svengali approach resulting in austin becoming a multi storied, concrete canyon. We are not spokane or portland or any east coast location. The manipulation of our city by those outside interests, economic and otherwise, should no longer be condoned by our leaders. We are not imagining austin. We are austin, texas. Thank you. [Cheers and applause]

Mayor Leffingwell: Next speaker is lorraine everson. Lorraine heatherton. Lorraine is not in the chamber. Carol torgenson. Donating time is peter torgenson. You have up to six minutes.

Good afternoon. I'm here today speaking on my own behalf even though I'm a member of the task force. In 2009 the city council appointed over 30 citizens to serve on the task force and the purpose I believe was to represent a wide range of constituents throughout the statutes and its e.t.j. I myself was appointed by the commissioners court as well as by the city council to serve on the task force. Most members of the task force took that appointment very seriously and their responsibilities to the constituency very seriously. We've invested thousands of unpaid hours in this process. I personally attended more than 80 meetings in conjunction with the task force process and I have personally invested hundreds of hours in my own time. Throughout this two-year period, I really tried to approach this process from an analytical perspective to suggest improvements where they were warranted and point out the problems and shortcomings of the process in the way we could improve the end result.

Those suggestions and criticisms were not well received by the city staff. As were the concerns and issues read by other task force members staff deflected to reflect or explain away our concerns and the issues we've raised. We have been largely unheard. The major issues that were identified were always postponed for later discussion. Those discussions have never taken place, as has been pointed out by earlier speakers. We still have a lot of work to do. The plan that we have before us as a draft is too generic. It's full of pretty words and pretty pictures, but it does not have the specifics necessary to have a plan that can be implemented. Many members of the task force are extremely frustrated with the process we've been through and all the time and effort we've put into this for the results we have before us. We really don't feel that we will ever be able to have any kind of impact on improving this plan if we don't have your support. We've been told by staff that they answer to the city manager's office. If we have concerns, you should go to city council. Some of us have gone to city councilmembers. We've then been criticized for going to city council. So we're here today in a last-ditch effort to get some support from you to let us do our job, at least the job you appointed us to do. Perhaps you did not mean for us to represent the constituencies for which we were appointed to the task force. Perhaps we were just there to rubber stamp what staff and consultants did. That's what we've been told. But most of us believe we were there to bring the public into the process. To have meaningful input. To allow folks from all parts of Austin to have their thoughts and desires known and implemented into the plan. To have it all brought together in one document. So far we have not been allowed to do that. I don't know whether or not this resolution will solve the problem. It is a step in the right direction. I wish it were stronger. I wish it gave the task force the responsibility and the authority to go forward. Others we're nothing but a scapegoat for this process. The public looks to us as a representation. If what they get in the end is not a good plan, then it -- then we're the fall guys. But we haven't been given the authority and the control to have a meaningful even put into this process. I'm asking you to pass this resolution if possible to make it stronger. If we're going to fall on our faces, let it be for our efforts, not because we weren't allowed to do our job. Thank you. [Applause]

Mayor Leffingwell: Steven Alleman. I hope I pronounced that right. Donating time John Paul Moore. Okay, John. And Peggy Maseo. Peggy, okay. So you have up to nine minutes. Mayor, Mayor pro tem, councilmembers. My name is Steve Alleman, president of the Austin Neighborhoods Council although I'm here speaking primarily for myself as a citizen who has been involved in the process more or less from the beginning. I will try to be as brief as I can. I want to associate myself with all the comments made so far about the process. Let me just reiterate a couple key things as you consider this resolution before you now. One is that the process was outlined as a several phase process for the utility nature development and completion -- ultimate development of a comprehensive plan where earlier this year as part of that process you were supposed to, quote, endorse the process or at least pass it along so it could be considered and further developed. We came forward, many citizens, Austin Neighborhoods Council, at that time, and raised a lot of concerns. The process was basically developed where working groups would be charged over the summer months to try to work out many of those challenges that were still on the table and had been identified. And regrettably I think as you've heard there's many of us that believe the chores that were to be charged to the working groups really did not occur. For various reasons, partly process, partly time, partly the energy and devotion that it required and over the months complication with energy being dwindled down to where the number of folks available, if you look at some of the votes that were taken on action items, were really minimal considering the scope of what was being asked to be accomplished. So we went into this several months knowing there were several challenges on the table and regrettably, at least in my view, not all of them were answered. No one wants to work any further on this than necessary. As has been pointed out, many citizens more than are here today have devoted hours to this process. No one wants to extend this any further than it has to, but I'm here to report to you that this deal does need work and it needs work in the process we have available to us which is primarily the Citizens Advisory Task Force. And the Citizens Advisory Task Force as your appointees we believe are good people, are trying to be responsible to their constituents, but I think the number one word I keep hearing is frustration. And I think we need a resolution finally from city council that allows a structure to be -- that allows the existing structure to really evolve and develop a plan that's responsive to the community, responsive to the constituents that you ask those members to be responsible and reflective upon. Let me just mention a couple of things in terms of moving forward, and they've been highlighted just briefly. One is about the comprehensive plan plan

itself. One is about neighborhood plans and neighborhood recognition of current efforts of all the staff time, neighborhood time, city resources that have been put into the neighborhood plans, we've had a lot of rhetoric that says yes, sir, neighborhood plans will be respected, they will be integrated. There's been verbiage used in the process where basically neighborhood plans, though, have to conform to the comprehensive plan. And that is the wrong attitude to take, in my view. Now, I want to acknowledge that there has been effort to try to work towards making the integration of neighborhood plans and comprehensive plans possible, but I think that that is a chore that still needs to be accomplished. In terms of the land development code and what comes next after the comprehensive plan is something I also want to flag. The comprehensive plan as a plan in and of itself is vital to the city's future. There's no one I don't think that really disagrees we need to have a comprehensive plan. Let's just get it right while we have the time. Many will say the process envisioned is over time it will be continually reviewed as in part the land development code will be reviewed in light of this. I think the danger that we're at right now though is that by allowing the plan to move forward without attention it deserves we're really setting up a conflict in the future that gives the room for the development code, land development code to be changed that's really not reflective of what we want to preserve in this city and the priorities that we want to meet. Which I've spoken before about which is affordable housing, about respecting neighborhood -- neighborhood integrity, especially along many of what's now identified as mixed use corridors. So -- so we have to make sure we get it right. Not think that, well, we'll be reviewing it over time again and again, let's just get it right the first time and set up the stage for any revisions to the land development code that will be fundamentally sound based upon really reflective work of the community and the citizens advisory task force is the mechanism that's in place that's best suitable to address what we think still needs to be done. So I'll end my comments there, thank you, and ask that you do support the resolution.

Mayor Leffingwell: Thank you.

Spelman: Mayor, quick question.

Mayor Leffingwell: Councilman spelman.

Spelman: I feel like it's walking into the middle of a conversation. Both you and miss bartz referred to impending changes that you see being made in the land development code and the effect it's going to have on integrity of neighborhood. Miss bartz was referring to the possibility of moving towards a form-based code. Are you referring to the same thing or thinking about something different?

That may undoubtedly be an aspect of revisions to the land development code. That's envisioned with respect to the airport boulevard corridor. Specifically. And whether that is or is not going to be on the table for broader expansion or adoption into the land development code I think is something that we need to truly discuss and not just set up a process that then opens the door unwittingly to that. I'm not necessarily saying form-based code is all bad, but let's just make sure we understand what we're doing in the comprehensive plan that will or will not allow for that experiment or expansion before we -- we unwittingly just walk into it.

Spelman: Allow me, the form-based code application on airport boulevard is very much of an experiment to see how it works, how has the conversation changed, is it solving development problems and neighborhood problems at the same time, so on. So I think it's very much as an experiment. What happens to it after that depends in large part as to what happens now as we try to use it where the plan happens in that one corridor. What else are you talking about? And feel free to not good on too long because I think other members of in may know where you are, but try to bye me up to speed in 30 seconds or less if possible.

Okay. Well, just to be clear, i think that one of the things that we're looking at or seeing is that the flums are reflection of what neighbors want along mixed use corridors. And I think that what we want to make sure is that -- that if there is going to be this destination and this direction towards new urbanism or

more density along those corridors, that it matches the flums as best as possible, that that's accurately translated from the plans we do have to the growth scenario, number one, that needs to be accurately translated on to the map, which isn't totally clear that has happened so far. And then secondly, in terms of making that next step, which we've been told is down the road, that is in terms of kind of implementation, the land development code changes, we want to make sure that they respect and don't -- and eventually undermine the neighborhood plans and the flums. So it's really a matter of not using changes to the land development code to fundamentally undermine the flums that have been developed and not to say they won't change, they can't change, obviously, yes, there's a process for that to happen, but wholeheartedly walking away from them through a back door mechanism that's not accomplished in the comprehensive plan.

Spelman: So it's not a specific set of changes in the land development code that you are concerned about or people have been talking with you about, it's just the presumption we know is change the land development code and we're a little worried how it's going to be done.

That is the fundamental basis right now in terms of first steps of putting our minds around this.

Spelman: Thanks for bringing me up to speed. I appreciate it.

Mayor Leffingwell: Thank you. [Applause] pam thompson. Pam has three minutes.

Miss bartz, mayor and council. I would like to read to you. Initially the aquifer was not on maps. Existing capacity and lack of infrastructure not on initial maps. Water availability not factored in. Census data not assimilated. Minority communities outreach occurred belatedly, no spanish information was handed out. East side undeveloped areas, parkland not set aside before cost of land increases with density. Bike lanes not required as chips were to be placed in preferred growth scenarios and beginning. Transit issues not addressed with added density and existing neighborhoods. Excuse me. And to my knowledge, a lot of these things are still not done. So as much as we all want a plan that works, we can't really build it and ask them to come if we don't have enough water for them. I also think that where the growth is being asked to go, you need to review the census data. You need to know how many people are living in that area and what we can affordably move. Our transit issues and our neighborhood. All of these things have not been addressed. So the infrastructure problem, to me, was if you tell someone, okay, just do this right now and it won't matter but we'll fix it later and just put these chips out here and sell you on a density mode, how much is it going to cost us to put the infrastructure there and then how are we going to meet the goals of sustainability for our agriculture once we build there and then we don't have enough to sustain what we already have in terms of water, in terms of roads and so forth. So forth. Those are just my comments and then I also wanted to add i guess with as much time as i have sbca supports this, and so I'd like to say the save barton creek association supports item number 61 on your agenda today. We appreciate the insight and effort that brought it forward n a city with a history and tradition of planning and citizen interest, high level civil involvement and initiative a long-standing community consensus for achieving true sustainability in issue areas including water availability, water, storm water, wastewater management, a priority emphasis on water quality protection, we request that you support this resolution in the good of clear articulation, understand be and vetting of plan goals before approval adoption. And she goes on, but you received -- [buzzer sounding] -- all of that and I would just like to say that sh 45 -- thank you, mayor, I got it. But if all it takes is being asked to be taken off the table, I'm asking.

Mayor Leffingwell: Next speaker [inaudible] is signed up to speak and you have three people donating time to help you answer those questions. Okay, well, laurie renteria, katherine moore. Is katherine here? Okay. Ellen gibbs. Are all donating time to you. And you are the last potential speaker. Did you sign up? I better refresh my --

[inaudible].

Mayor Leffingwell: All right. Come on down. You have three minutes. I don't see you on here but maybe I'll find it.

Thank you, I understand i wasn't in the chamber when my name --

Mayor Leffingwell: We already checked me off.

You aren't the first one to already check me off. My name is roy whaley, vice chairman of the austin sierra club, I'm speaking in that capacity at this time. I'm happy to say I'm not a person that gives up easily. I don't give up on things very easily. But I did finally get to the point in this process, imagine austin process, where I just gave up. I decided I have multiple meetings to go to every night and this is one that I choose not to go to. Because I just felt like i wasn't being heard. And part of the reason for that, you know, part of sierra club's problem with it is again and again sh 45 was in the plan, out of the plan, in the plan, out of the plan. Finally at a recent meeting i asked why is that back in at a presentation. And they said someone asked that we put it back in. I didn't realize it was that simple. In that case, I'm asking that we go ahead and stop construction of wtp 4 this afternoon -- [laughter] -- and stop the tunneling that began today.

Mayor Leffingwell: You don't give up easy, you are right.

I can take a few lessons mayor, on your vigorously advocacy for the november election. I can take notes. I know how it feels to be on the short odds of an issue. But I hope that I'm not on the short odds of an issue today because I do think, I'm very happy to hear that it should be taken back to the task force and let them have real input. Because it has not been a good process. It has not been a happy process. And I did get very tired of it. As I look at it, the big concern -- two big concerns, yes, we want to help our friends in oak hill and give them services. We want to give them services. We don't want to attract an additional 15,000 people to oak hill, we want to protect the aquifer. At the same time we're protecting the open space in east austin, eastern travis county. And I don't feel like this process has adequately been able to do that. Because we keep seeing the growth nodes again and again bringing more people to the aquifer. And this is in contradiction to decades of city policy, of community positions to protect that aquifer. And the same holds true for the limited open space that we have in eastern travis county. And I don't feel like these things are being addressed adequately. Believe me, it is the sierra club's position -- [buzzer sounding] -- we do support a denser downtown, but the reason we do that is so that we can protect that which is precious to all of us as a community. Thank you very much.

Mayor Leffingwell: Thank you. [Applause]

Mayor Leffingwell: Roy is the last speaker except for scooter. Did you just sign up? And all of your followers also.

My name is jeff howard, president of the real estate council. The plan has just come out recently, it's 200 pages long. It's got a lot of text in it. We're in the process of looking at it and studying it. Our three guiding principles are going to be as we look at it and the business community is the comprehensive plan needs to be flexible. It's going to be a living document and it needs to be flexible and change with the times. It needs to be grounded in reality. Economic demographic reality. And third it needs to be regional. That's what we're going to be going through this analysis and looking at it. As we study the plan, we're going to be looking at it and those three criteria we think are essential. I'm here today to speak in favor of this resolution. The reason is not because i haven't been part of the task force so I can't speak to some of the things that you've heard today and I certainly have no reason to be as strident as some of the comments you've heard, and i think staff has tried to carry out the direction that council gave it, but I also think that the citizens task force is ideally suited to take this plan and start processing it. You've got a lot of divergent views on that task force. You've heard some folks speak for compact city, heard some folks speak for no development over the aquifer. But I think that group can have some time. I'm not prepared to support all of the items in the specific resolution just because I

think there is some degree of specificity or level of detail that frankly I don't understand but I am in favor of giving the task force additional time to process this. And I also encourage you all to encourage staff to engage the business community a little bit more because planners and policy makers are not going to be the ones that build this community, according to this vision. It will be the builders that build this community, according to this vision. I think their input is going to be valuable and we encourage to you seek that out. I'll be happy to answer questions.

Cole: Mayor pro tem, i have a question. I believe all the speakers up until this point have either been for or against the resolution, but you said you are for the resolution but you have some concerns with some of the provisions. Can you identify any of those provisions?

Well, I think as I just looked at it, provisions a, b and c I could understand and get behind. D, e and f, I was not sure what the additional metrics might be or what that might mean to develop performance measures and benchmarks and so I was less comfortable supporting it. I'm not opposed to the concept of them, I just was unclear what what might mean or lead to. And so without that clarity, i just wasn't prepared to support those three in particular.

Cole: Thank you, mayor.

Mayor Leffingwell: These are all this persons signed up to speak. Signed up but not pitching to speak heather burrell really, stefan ray signed up against not wishing to speak, larry sunderland. Those are all the speakers we have and councilmember morrison.

Morrison: Thank you, mayor. First I want to thank especially the members of the task force that are here and the ones that are not here for the expertise and commit in they've done over the past two years. It's certainly been an amazing effort. I think that the resolution was -- I realize there are varied perspective about where we are with the plan and the comfort level of where we are in the plan, but this resolution was really to try to get at laying the issues that are out there on the table so that we could find a successful path forward because it's very important that we are successful with this comprehensive plan. So that's this -- that was the genesis of this resolution, working with the folks who still saw some of the issues on the table to get it right, but also with the understanding that if it gets drawn out too long, it's just going to lose its momentum. So finding that balance between taking the time to get it right and making sure that we are efficient about it and keep it moving is also another important element. I want to acknowledge the issue folks brought up today in particular that this could be strengthened in some ways and I would be interested to hear about that. I also want to just get real clear, one of the things I'm hearing that is also of concern to me that's not really laid out in this resolution but it's a question we need to have answered and that is, for example, one of the priority programs, and nobody is surprised about this, one of the priority programs that's identified is to rewrite our land development code. The question is how do we get from this plan to rewriting the land development code because there are a multitude of ways we could rewrite the land development code. And I think we need to understand all that specificity is going to go into the plan or exactly how that's going to happen. I think that just shows that we have some work to do on this. So beyond the open questions and making it stronger, one of the things that we heard at our subcommittee meeting earlier this week was from a couple of the -- couple of task force members who said we just don't have the capacity to do these things. Not that they were arguing that they needed to not be done. And also we heard from councilmember riley that he thought that this resolution actually violated the charter. I actually disagree, but i would just as soon avoid that question. I don't think we need to go there. Because -- so we did have the opportunity to sit down with a couple of our planning commissioners yesterday who are on the comprehensive plan subcommittee of the planning commission to talk about what would be some ways, does it make sense to start talking about a partnership between the task force and the planning commission, especially as we move through a transition which will eventually have this in front of the planning commission. So what we came to in that discussion was hopefully they will be getting it posted on their agendas on the comprehensive plan subcommittee of the planning commission's agenda on monday and then the planning commission on tuesday just for general discussion, and I hope some folks might be able to be

part of that as to how the planning commission could help partner with the task force at this point because we want to guard against laying too much on the task force that they really don't have the resources to do it and also if some folks feel burned out and don't feel like they can take on that responsibility but others do want to participate, make sure we have that flexibility. I do want to take a special moment to recognize we have the president of the rica, the president of amc and barton creek association all down here supporting this and i appreciate -- I appreciate that. But what I do want to do is suggest that we not take action on this if there is a high likelihood the posting language that we have today won't work two weeks from today. And I'm very interested in getting this back two weeks from today, getting it strengthened. So after others make their comments, unless they dissuade me, I'm probably going to make a recommendation that we withdraw this for today and bring something back that's recrafted two weeks from now.

Mayor Leffingwell: Any other comments? Councilmember riley.

Riley: First I want to join councilmember morrison who has working so hard on all these issues, and the task force and all the citizens we period today. Clearly there's a lot of real issues that need to be addressed before the comprehensive plan is fully baked. And we all know that. And I'm glad to hear -- we were glad to visit yesterday with several members of the planning commission who were ready, willing and able to step up and help to ensure that those -- that those concerns do get addressed. I think it's going to be a matter of working -- of the planning commission members working with the citizen advisory task force and working groups associated with the task force to too make sure all of this ground gets covered adequate lit. I want to encourage everybody to stay focused on that goal of establishing a process where we -- where the citizens can work cooperatively to cover all this ground and get it figured out. We need to make sure we avoid falling into a mind set of just having a target that we're critical of, as if the city is some independent entity that we can just -- that we need to just stand back and criticize. This comprehensive plan is an opportunity for all of us to come together and develop our own work product as a community and to the extent we feel that is a failure on our part as a community, that is something that we all need to bear in mind both in participants in the task force, the planning commission staff and councilmembers. This is very much a collective effort. There are bound to be bumps along the way, but I'm confident that with all of the energy and insight on the part the people involved including those in this room that we will be able to tackle all those challenges successfully. I think it's very appropriate that we step back and let the planning commission play a role in this under the city's charter, the planning commission is principally responsible for the development of the comprehensive plan and so I'm hopeful the planning commission will be able to work with the citizens advisory task force and the subgroups to address all these concerns and along the way provide feedback to council in the world that would be helpful to make sure we stay on track and make sure we get everything addressed so we can all arrive at the finished product. I want to make sure staff knows we appreciate all their efforts and I know it's difficult to stay on track, but this is not something we can afford to take any concerns lightly. We need to make sure that the citizens were on board and this truly is not just the city's plan. That is the heart of the problems that we've been hearing today is there's a sense of ailation from the plan and that's what we need to get it and we need to make sure that the citizens feel ownership before we're ready to embrace it as the city's comprehensive plan. Again, I thank you all for your commitment to working together to ensure that we arrive at a product that everybody is proud of.

Mayor Leffingwell: Councilmember cole.

Cole: I would like to recognize councilmember morrison for all the work she's done on this plan since the day we decided we were going to make that leap and all of you for helping her with that effort because i know that is not easy. And I can't believe the diversity of the people that she has in the audience right now so I want to say congratulations on that front. I do agree with the comments of councilmember riley that we do want to essentially make sure that we get the ball past the finish line and that in the effort to be perfect, that we don't accomplish the good. And so I'm glad that you are going to postpone it and that you obviously see that it needs a little bit more cooking to do, but I really just want to encourage everybody to hang in there. We know that we have business interests and neighborhood intere new

urbanism interests, but putting that together in one plan is difficult but we are austin and we can do it with all of your efforts. Thank you, mayor.

Mayor Leffingwell: Did you hear anything that would dissuade you -- councilmember martinez also.

Martinez: No, I'm actually in agreement also with councilmember morrison. I did go to the imagine austin launch party this past weekend and I've heard from a number of the task force members who really feel like we can make improvements to the process. But I want to talk about something else that I heard that for me it rang pretty significant. And it was more specifically from east austin residents. And while they care about the comprehensive plan and they were there at the imagine austin launch party and they were very curious about the future of austin and what this plan would entail, they are very frustrated and disconnected and can't even get to a point to engage in the conversation of the comprehensive plan when they are frustrated about not having sidewalks in front of their house or a school zone across the street. You want all of us to participate. You want all of us to come down here. You want us to share in this vision for austin, but yet we sit here time after time asking for you all to prioritize infrastructure projects and affordable housing and other quality of life initiatives that we see happening all over the city. And then east austin being neglected. That is something that I want to focus on in addition to trying to make sure the task force members and citizens feel like they are being heard and have buy-in into the comp plan. Some folks have literally been asking for a sidewalk for the last four years and have never received a response or -- that to me gives me an indication of how the frustration can reach such a level. And so I think we need to work on that and I look forward to working with all of you to help address some of that.

Tovo: I know you spent many hours on this and I think we all share an interest in having a comprehensive plan that really reflects where we see our city going in the next decade. So I am very enthusiastic about the comprehensive plan. I've spent a lot of -- as i mentioned at the work session the other day, as a volunteer this the community and planning commissioner, I spent many hours sitting in some of those meetings working on the comprehensive plan. As a councilmember, I've heard from many of you about your concerns and suggestions for improving the process and the product. I think we have a good pass forward and I am really optimistic about the kinds of revisions that can take place now that we've got a draft on the table and we have some focused areas of analysis, i think that will really give some productive ways of moving forward and relooking at that draft and thinking about what -- what other elements might be necessary, what other stakeholders might need to be involved, how we might make sure the comprehensive plan works well with our other planning documents and the other major planning documents of partner entities in this area. So I look forward to our continued discussion when it comes bam before council.

Mayor Leffingwell: Councilmember morrison.

Morrison: Okay, I am not dissuaded, but I do want to mention two things. One, I think we really have -- this is a critical time and we have an important opportunity in front of us so I look forward to working with all of you to help get it right. And also assuming that the planning commission subcommittee and the planning commission are actually going to be discussing this as we were sort of foreseeing yesterday on monday and tuesday. That might also be a vehicle for doing it and I am committed to getting it back on the agenda for our next meeting, which is OCTOBER 20th. And councilmember martinez, i want to especially note that comments you made, I think that we need to take this as an opportunity also to determine, you know, what are the appropriate outreach mechanisms for getting with our east austin community at this point as we enter into a different phase and see if we can't pull together some real momentum for dealing with the areas of neglect also. With that, I will make a request that we withdraw item 61.

Mayor Leffingwell: Without objection, item 61 is withdrawn. I'm going to try to work my way through some of these first items that councilmembers have pulled off the agenda. Item 7 by councilmember

tovo. No speakers signed up for this.

Tovo: Mayor, I just have a few questions for staff. I know they were here earlier. I'm not sure if they are still in the chambers. This is item number 7, agenda item number 7 related to republic square park.

Kelly snook, assistant park director.

Tovo: Thanks for getting to this six hours later than scheduled. Could you tell me a little bit about how -- I guess my interest is in making sure the consultants are working well with the parks board and this will come before the parks board along the process, but can you talk us through how this will proceed from -- if we approve this today?

Sure. The item that's on the agenda today is for the hiring of a consultant to finish a phase 2 of republic square park. This phase will be completion of the 2007 vision plan which has been adopted by both the downtown plan now and has been before the parks board. There will be a stakeholder's process within this design that will include the republic square partnership, which is the daa, the austin parks foundation, the park board, and we also include the urban -- the urban parks stakeholder group.

Tovo: That's the urban parks work group who prepared the report that was going to be here today?

Yes, ma'am.

Tovo: And so there will be check-in point it sounds like with the parks board as they craft different parts of this plan?

Yes, ma'am.

Tovo: And can you tell me to what extent will the vision for republic square park align with our adopted -- excuse me, with the recommendations that are part of the families and children task force and that were -- many of which have been incorporated into our urban parks work report?

Sure. Now, understanding that this is the -- the design has not been completed, they will work with the urban parks stakeholder group to ensure that several of the -- or many and the process and the whole concept are included. Some of the areas that are included would be a proposal to do an interactive movable playground sometime called a playground in a box. It is -- it is not going to be a permanent fixture in the park. It's something rather new seen in urban parks that is a play set constructed of pieces you can move around the -- children can use their imagination how they want to construct almost giant foamy legos and plastic pieces of all shapes and sizes. This is being sponsored by the austin parks foundation. It was one of the three different types of playgrounds identified by the stakeholders group. Along with kinetic play and nature play. In addition the urban stakeholders group discussed the downtown parks in specific and urban parks and had an opportunity for play there so this will fit into that part of the vision as well.

Tovo: Good. Thank you for that additional information. I think that's a critical goal for our downtown parks that they incorporate the goal of the children and families report which have been adopted and elaborated on to make sure that our downtown parks are using more innovative materials. So what is the next -- the immediate next step what would happen if we approve this contract today for the consultant, how soon about that stakeholders group be activated?

I don't have the exact time line of when our first meeting might happen. This allows us to enter into negotiations with the successful firm so they will finish that up. This is being sponsored through fees from the federal courthouse, the federal building which is right there adjacent to, but I believe it should

be easily within the next six months and we would be happy to get you a schedule.

Tovo: Great, thanks. And I assume you will keep the full parks board apprised of when these meetings will happen and they will be open to the public?

Yes, ma'am.

Tovo: Great. Thanks. That's it. I would like to move approval.

Mayor Leffingwell: Seconded by councilmember martinez. Discussion? All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. Number 13, pulled by councilmember morrison.

Morrison: 13 Is a vacation of land that is in the -- where we've already adopted a plan. And it came to light that the folks with the neighborhood plan contact team and the neighborhood association had not been made aware about this potential vacation and it was actually in conflict with the -- some points in the neighborhood plan. So I spoke with staff about it and it sounds like a postponement would be okay, that they would be happy to get together with those folks and sit down to talk through it, and the neighbors that were involved also wanted to just understand what it was all about and saw that, you know, things could well be worked out. So I'd like to make a motion that we postpone this item UNTIL OCTOBER 20th.

Mayor Leffingwell: Councilmember morrison moves to postpone item -- this item TILL OCTOBER 20th. Is there a second? Councilmember tovo seconds. Discussion? All in favor say aye. Posed say no. Passe vote of 7-0. Item 42 pulled by councilmember tovo.

Assistant director parks and recreation.

Tovo: We talked about this briefly at our work session and I wanted to ask you if you could talk more about the playground equipment that is proposed for the park and also pretty much the same question, how it will meet the goals talked about in the families and children task force to increase the diversity of the kind of play equipment we have to increase the diversity of the experiences, the materials, using more natural materials, et cetera.

Sure. This playground that's in roy guerra colorado river park was part of bonds project from the 1998 bond. It's been under construction for some time. We've had a contract actually for the playground with a company for some time. Upon receiving the information in the first graft from the urban stakeholders group and the interest in the nature playgrounds, we made some adjustments to the design of the playground but had to stay within the contract that we already had. What we have done is we changed the color scheme. We've added a lot of climbing rocks. We added a garden into the scheme of the playground which includes a little trail and a couple of arbors at the entrance where we would like to have actually some stakeholder meetings to design that little portion of the playground. Some of the other initiatives that were in the program were the inclues of art, art that could be sculptural and children can play on. There is actually a tortuga plaza, it's a sun dial and i couldn't explain how the turtles work in concert with the sun, but it's very interesting. They are beautiful little up the tuesday and they are in a little -- sculptures. So it's part of the playground. It has three large components to the play area and then the little plaza. There is a lot of opportunities for us to go back in and do some additional work right around the playground to incorporate it more into the surrounding nature, but it is rather close to the river and I think there's going to be a lot of opportunities for nature play in that playground.

Tovo: So I did receive an image of this last night from director hensley, and some of it looked like really fairly traditional playground, playscape equipment, but it sounds like what you are saying you worked -- you had to work within your contract, i.e., THE BUDGET.

And we literally had a contract with this group already to be working with them.

Tovo: I see, but you've tried to incorporate some natural more interactive features as well.

Yes, ma'am. And one of the things you see on that drawing, and I'm afraid it's a little bit flat in its graphic, it was done kind of simplistically by the playground company to give us an idea what the playground would look like, but it is entirely accessible. And in order to have those ramps that that style of playground, sometimes it looks a little more traditional. But like I said, we included the climbing rocks and elements that look like tree logs and then also the trail that goes through the playground that's going to have actual plantings in it and places where the kids can get a little dirty and which I think is a good thing. And yes, we tried to accommodate as much as we could within our confines to get something that would be very naturalistic for the children.

Tovo: How many stakeholders involved? Not names, but were you able to include some people who had been part of the urban parks work group since they are doing a lot of thinking about innovative playscape materials or anyone part of the families and children task force or was it primarily neighbors?

Informally we had some conversations with Lynn Osgood about this playground and many meetings with the stakeholder group. We were on a short time line and we already had the contract, we already committed to where you can see the concrete sidewalks around the playground, those were all pretty much in place so it was really a matter of changing the equipment style in order to meet the goals rather than really having opportunity to redesign the playgrounds.

Tovo: I appreciate that. Thank you. And thank you for the work that you did to kind of work within the confines, but to get a little closer to our goals of really moving more toward innovative kind of play spaces. I think most of us haven't spent much time thinking about it in the way we've experienced playgrounds in the last 30 years and there's much research and you would be a better person to articulate it, but there is research showing less static, more dynamic kinds of play environments are really good for children's cognitive and physical development. So I'm glad that we're moving in that direction. I hope the next one can kind of include those assumptions from the ground up.

Absolutely. And I think this one was a good sort of transitional, but we're looking forward to doing exciting things with our playground designs in the future. Future.

Tovo: I would like to move approval.

Mayor Leffingwell: Seconded by councilmember Morrison. Discussion? All in favor say aye. Opposed say no. Passes on a vote of 7-0. Council, all but one of our zoning cases are consent. If there's no objection, we could pick those up so people could leave. And then council member Martinez has requested that we hear items 56 and 58 together if there is no objection, that will be the plan. Mr. Guernsey. Our 2:00 p.m. items. First offer for consent number 75, c14-2011-049 for the property located at 9900 to 10324 Dessau Road. The applicant has requested a postponement of this item to your next agenda on October 20th. That concludes this portion of the agenda I could offer for consent.

Mayor Leffingwell: Motion to approve the consent agenda for that item for which a public hearing has already been held. Councilman Spelman so moves. Seconded by councilmember Morrison. Discussion? All those in favor please say aye. Opposed. Passes on a vote of 7-0.

Item 76 I'll skip for now. Then I'll pick up the other two. Item 77, property located -- this is a zoning change to commercial highway service zoning. Zoning and platting commission recommendation was to grant the CH zoning. This is ready for consent on all three readings. Item 78, for the property located at 10010 FM 222, zoning change request to research and development, planned development area. To change a condition of zoning. So the planning commission recommendation was to grant the R and DPDA. This is

road on first reading only.

Mayor Leffingwell: Close the public hearing and approve on all three readings number 77 and close the public hearing and approve on the first reading only number 78. Councilman spelman moves approval. Councilmember morrison second. Discussion? All those in favor please say aye? Posed. Motion passes on a vote of 7-0. At the request of councilmember martinez, we're going back to item 76 later and pick up items 56 and 58. This is 56 and 58. Jen studebaker here? No? Glenn of the maze family. Not here. Jeffrey williams, not here. Sara grub? Not here. Chris bailey has three minutes.

That dropped quick, didn't it? Thank you guys, I really appreciate bringing this up. I've been really, really interested this this issue and I think what it really is is it's a much bigger picture than can we run some low speed electric vehicles downtown. What I really see this as and the reason I signed on board this is innovation. This is about how to bring new ideas into our ground transportation area of the city. In all the elections, mass transit is one of the big issues that comes up, how do we move people around. We have issues around the city where this is focused and people have heated debates to subject. I see electric cab working to get a permit to operate these and I see that as really a good answer to a lot of the solutions. How do we move a lot of ? How do we cover the areas with a lot of hills around downtown. And so what I'd like to say, a lot of you guys know, this bus -- the picture is here on the edition and I'm kind of famous for being in the paper, I guess. [Laughter] that's the point though. Really, that's why I'm here, that's why chris neilsen is here. We see people asking for a service, gaps where areas aren't being covered and we want to help. I would urge all of to you pass this resolution so we can move forward and I want to keep coming up with ideas. And I don't like when that happens when I have an idea. This one is not mine, I just signed onto it. I appreciate you guys' support. Thank you very much.

Mayor Leffingwell: Thank you. [Applause]

Mayor Leffingwell: Chris neilsen. Donating time is beverly hinson. You have up to six minutes. You for hearing me speak today. I know this has been a long and arduous ordeal that is hopefully about to draw to a close.

Mayor Leffingwell: Not quite. [Laughter]

well, I mean in that case we can have the world's first low speed vehicle chase. driving these things now. I just wanted to -- I guess just remind the council that the lobby has been able to convince austin that pigs fly without producing flying bacon. There are 36 other cities that have this. Not one taxi company has gone belly up. I don't need the rest of the time.

Mayor Leffingwell: Thank you. [Applause] deann johnson. I believe she has left. Leslie hazenman. Not here. Roy whaley. And you have plea minutes. -- Three minutes.

Thank you, sir. Roy whaley, austin sierra club. And we do support alternative transportation and this certainly fits that bill. It would be great if everyone could ride a bicycle and get where they need to go, but it's kind of hard to do that sometimes. This fills a very nice niche in the market to move people from one place to another in a nonpolluting way. So very simply, let's move forward with it. Let's just dump one more ingredient into that wonderful gumbo of austin, if you will, and stir the pot a little bit and I don't think anyone is going to be hurt by it. Thank you very much for your time.

Mayor Leffingwell: Thank you. [Applause] antonio bigger. Antonio bigger is not here. Stephanie collins. Excuse me. Stephanie did not wish to speak so those are all the folks we signed up wanting to speak on this item. And I believe the way we have to proceed is to approve these items separately even though we've heard comment to go, we have to approve item number 58 and then if it is approved go to item 56. Councilmember martinez.

Martinez: So item 58 is just asking the city manager to implement a pilot program, it's my understanding we have to amend the ordinance so a pilot program could be implemented, but either way is fine. I just need to know which item needs to go first.

Mayor Leffingwell: 58.

Martinez: I'll move approval on item 58.

Mayor Leffingwell: Councilmember martinez moves approval of 58. Seconded by mayor pro tem cole. Any discussion on this? Councilmember riley.

Riley: Just a brief comment. nell bailey and everybody else interested in this process for a long period of time and for their efforts and working with us and trying to get something in place. I want to emphasize that this is a pilot. It is going to be an interesting experiment. We are looking forward to gaining more experience with -- with electric low speed vehicles operating on the streets of austin both from the standpoint of the safety of the vehicles and the safety of their passengers and from the way they fit into the whole holistic transportation system that we have in austin. This -- we are looking at the possibility of having two fixed routes for electric slow speed vehicles. This will not be a pedi cab, they will be fixed routes with fixed stops, this will more or less track the dillo routes and who discontinue. A lot of people were disappointed when capital metro discontinued that. Just did not have the ridership needed to keep those going. But there are reasons to think this service could well help fill the gap that's left by those. If it does work, there may well be other gaps in the transportation network that could be filled by services like this. So it will be very interesting to see how this works, how it could help round out our transportation services that we provide, how it will all fit in together with other transportation services including taxi cabs and pedi cabs. And buses and cars. So that we have an overall multimodal transportation network that work that, that fits together and works well. It may not be perfectly smooth the first year but that's the nature of a pilot and it will be a learning experience. I thank everyone involved for their willingness to dive into this and see how this goes for this pilot project. I'm looking forward to seeing it proceed.

Mayor Leffingwell: Councilmember martinez.

Martinez: On this item there is a document in the backup and I just wanted to talk to staff a little about that document because it falls in line with what councilmember riley saying, that it is-basically it insinuates based on monday's decision that we have a north, south, east, west fixed route jitney service. I remain supportive of that as a pilot project, but I want to have the flexibility for you all and whomever you engage in this conversation with in this pilot program to be able to amend those routes as demand and as safety and other considerations come into -- come into account. monday don't want these vehicles on the access road of i-35, i understand why, pretty busy, high volume. But if there's any way we could figure out how to cross under i-35 and we could go to where there's another train stop and entertainment and restaurant area that is correct you all have that flexibility to contemplate that. On the north end of downtown, the north-south route that's in this backup really contemplates kind of the eastern side of congress avenue heading north-south to u.t. I understand why. I think it's good reasoning to , but don't want to preclude us from looking at the western side of congress avenue for that north-south route. And so I just want to make sure we're all understanding that the flexibility does remain to have those conversations. [One moment, please, for change in captioners]

Martinez: Is wouldn't cause an undue burden to bring it back to council for a briefing on the 22nd to let us know what happened at utc and what the process -- the application process is going to look like?

We can certainly do that, if that's your desire. Or we can provide that information back to you in writing. Y'all have a very busy schedule. So whatever works best for you all we'll be willing to do that.

Tovo: I'm very supportive of this measure and that's why I signed on as a co-sponsor. I would like the

otc on the ordinance. They reviewed it last spring, but it was considerably different. I think it would be useful since they have a meeting last week, when we take up item 56, if we consider it for first reading with the understanding that it would come back to us on the 22nd for second and third reading consideration. My question to you relates to -- and just to clarify 58, item 58, the resolution would bring back the application, gives you 30 days to work on an application that you would then brief the utc and council on before implementing. In other words, before you put it out for people to apply. Is that right?

Again, it's whatever schedule you would like us to meet, we're prepared to move forward on an aggressive schedule, if you would like us to come back before we put that out, we can certainly do that.

Tovo: But in any case, you're nearly done, so you will be able to make those applications available, whether or not we decide to review it first or you just put them out to companies that are interested. Can you talk about the times -- this gets into 56, I think. Can you talk about the hours of operation. It's my understanding and i will verify with him in a minute, that the hours of operation that at least one of our current interested parties, that it might work -- to work well with the other ground transportation system. There are some areas of high peak demand and that's the evenings, and that it might work well to limit the electric vehicles to just those hours of evens and maybe some peak other times during events.

Our concerns of late hours are during the peak hours that we not -- we know that the vehicles have a certain amount of charge and they can last for a certain amount of time. But we think an application process needs to tell us what hours and what days of the week they would be operating, what are they proposing as an operation, so if it's from one time of night to another time of night, that would be part of the application process and be considered part of the complete package for that application. So other than the fact that we have in the ordinance some restrictions on higher -- not operating the vehicles on higher speed streets, we're open to discussing them with the applicants and asking in the application you tell us what you think will work and let's work together to make something.

Okay. Thank you. I had one more question. I may need to cycle back to it because I have forgotten it at the moment. I'll move on for now. Maybe it will come to me.

Mayor Leffingwell: Councilmember riley, motion on the table is to approve item 58.

Riley: I wanted to follow up on a question that councilmember martinez asked. And I fully agree with him that staff needs to retain some flexibility with regard to the setting of routes. We've discuss that had to some degree and in particular as this will relate to other efforts, with respect to what's identified I believe it's over 500 parking spaces which most of the time sit completely empty. From there that route goes right up through the sixth street and red river area. It actually goes up to -- all the way up red river from fifth to eighth. That really could provide very convenient service going from a very under utilized garage to an area of high demand. If people knew there was a periodic service serving in that garage it would be very convenient. And staff understands needs like that and to promote other city concerns, so do you feel like you would be able to work with the applicants to identify routes to make the most sense in an array of city objectives?

Yes.

Riley: I think we're all on the same page in terms of the flexibility the staff has to work with the applicants to identify the routes that will serve a whole variety of needs.

Mayor Leffingwell: Councilmember tovo.

Martinez: That was actually me.

Tovo: I had gotten in a marker for my follow-up question. I did want to ask about, we had had in our

small group discussion a discussion with you about mapping out the cab -- current cab stands downtown. And it's my understanding that that effort is underway. And the rationale behind that is to make sure that our ground transportation services are working well together. We have heard -- I have had an opportunity to meet with some of the cab drivers and they did suggest that that would be a way that they could -- that your businesses could compliment each other. That they could take people from wherever they are on this route to cab stands so they could get a cab out of the downtown area to an airport or wherever they're going from there. So I'm glad to hear that that's still part of the effort. Thanks.

Martinez: Thanks. Gordon, I want to go back to a point we clarified and you affirmed that you do have the flexibility as staff to amend, if you will, routes and things. I want to make sure, though, because you said something about the application process and you said that the companies would have to identify what days and what hours of operation via their application process they would be operating. Do they still maintain the flexibility to come back and say, we need to change these hours because these hours aren't working for us or we think there are some other times that could be more beneficial in terms of service? Do they maintain that flexibility as well? Once they've applied or once they say seven days, 24 hours a day. That's what I would do. So if someone comes to you and says we're going to operate on certain days and certain times, can they also come back and request staff to consider an amendment to that application on a different day, at a different time.

We'll have to work with the city attorney's office to make sure. We have two applicants for the same route and one of them promises a certain level of service and then at some point in the future that level of service is not provided, you know, what -- how do we balance that out? It might be easy to promise something and do we get that delivered. Let us work with the city attorney's office on how we can do the application process so that if we do get multiple applicants that we've got some way to evaluate those and make the best recommendation for ultimately the people who we're going to service by transporting.

Okay. I want to make sure they have that ability to do that otherwise everyone will say 24

7.

Mayor Leffingwell: Councilmember spelman.

Spelman: I think you have probably given this thought and probably give it more thought, but I wanted to get a few basic stuff -- few basic questions on the table. With respect to how you're going to know how well this pilot project is working, prepare terry to your -- preparatory to issuing your recommendation to us about a year from now. What do you need to know? What kind of information do you need to collect that this is actually working and how to make changes?

What we've discussed with staff, steve, carlton, is data requirements as part of the operating authority about number of riders, if there are any accidents or incidents, anything else that's unusual that we need to know, that will be part of the requirement. Operating authority is for that data to be provided to us so that we'll have at the end of the pilot period a good picture of what's been happening and what did they do to improve this as we move forward.

It seems like most of the data you're envisioning would actually come from the operators themselves?

That would be correct. And then with our inspectors out on the street, what do they see. We would want to collect the information and go to the council on how do we move this into a permanent basis.

How many inspectors do we have and what kind of work are we going to be doing.

Right now we have an inspector who works some 00 in the morning. We also have the parking enforcement officers that will be trained to notice if there's irregularities going on. So the regulatory -- we

have staff from -- during the day 00 in the morning.

Spelman: Is there a means of independently vair figure that the -- verifying that the information you're getting from the operators is accurate?

Let us sit and think about that. And also we need to set up how we're going to take citizen comments and questions and complaints. We need to write that into the application process. Let us bring that back to you on how we will handle that.

Spelman: I agree it needs to be written into the application process.

Mayor Leffingwell: All in favor? Opposed say no? It passes on a vote of seven to zero. We'll take up item 56. Councilmember martinez.

Martinez: Appreciate it, mayor. Gordon, just a couple of things in item 56 that i want to try to clear up before making a motion for approval. In section 13288-g, it says an electric low speed vehicle must be equipped with -- and then you have 11, 12, 13, 14 conditions that must be met.

Yes.

Martinez: Do we know that there is a vehicle on market that meets all the -- all of those points of criteria?

It's our understanding that either they are factory equipped or as after sale product for all of these safety accessories, yes.

Martinez: That wasn't what I asked. Do we know if there is a vehicle, one vehicle, that is on the market that meets all of this criteria? And what I heard you say just now is -- I think what I heard you say is after you purchase it you can retrofit it to meet all 14 points. I'm asking is there a product out there that meets these?

Steve grassfield, parking intraiz manager. To answer your question directly, no. We had stakeholder meetings nielson was a part of, and these could be retrofitted into this particular vehicle.

Martinez: So for me i want to make sure that obviously that this is a safe operation and I know that's why you're recommending all of these points of criteria. But if a vehicle is not made with disk brakes, but there is an alternative to a safe braking system, I personal would like to see us have that flexibility to be able to make that decision.

For instance, if it had drum brakes instead of disk brakes, yes, that wouldn't be an issue. Seat belts, for instance, are not in the vehicle, but that's something that we would require. What I would like to do, mayor, is move approval on first reading with the direction to go to utc and discuss specifically this point about this hard and fast criteria and maybe coming up with language that says should or maybe meet an equivalent criteria or something to that effect. And come back on second and third reading on the 22nd because as gordon said, your application process isn't going to be ready until about the first of november anyway, so we could adopt this on second and third.

Mayor Leffingwell: 22Nd of november?

Martinez: Yes, sir. October. Sorry.

Mayor Leffingwell: 20Th of october is the meeting.

Martinez: That's the work session, tuesday. 22Nd I thought was the next meeting. Is it the 20th? Okay.

Mayor Leffingwell: Councilmember martinez moves to approve item 56 on first riding only. And bring it back for second reading on october 20th. Is there a second by councilmember tovo? Further discussion? All in favor -- councilmember tovo.

Tovo: One other point that I hope the utc will discuss. Two other points actually. 132287-B-1, the question of hours, 24 hours a day, seven days per week, and whether that is too broad and should be narrowed down to the hours of peak demand. I know -- again, I know there are some considerations for leaving it as broad as possible, but I think it's an issue they could discuss. And then 132286-a, whether they might specify in that clause may only charge a fixed fare that has been filed with the department. I believe that was the intent to require that there be a fixed fare, but i wouldn't if we shouldn't get it in the ordinance language as well. And that's it.

Mayor Leffingwell: Favor of the motion say aye? Oppose said no? It passes on a vote of seven to zero. Going back to our council-pulled items off the agenda, I believe the next is item 47. Which is pulled by councilmember tovo. And we do have speakers. Councilmember tovo? 47. It's the tennis center. Did you want to make comments or do you want to go directly to speakers? Okay. First speaker is jerry lott. Jerry signed up against, and you have three minutes.

I play tennis at pharr with a group of about 50 people that have been in existence for 15 years. They've been playing there. They play three days a week, monday, wednesday, friday. There are eight courts at pharr. We take five on monday and wednesday. A women's group takes two on monday. So seven of the eight courts are used on monday. On wednesday we take five and the women's group doesn't take them, but usually singles takes a lot of the extra courts. On friday it's four courts. The problem that we have is there is a clause in the contracts that you have that favor the interests of teaching pros and the contractor because they make more money teaching than we can provide in fees. And so you allow them to take half of the courts. This has happen understand south austin, it's happened at caswell, and at those courts who people get off work in the evening they have a very hard time finding courts to play on. This is good for people that are looking for lessons, but it's bad for people that want to play tennis. And if you allow this contract to go through as it's written at this point, our group stands a really good chance of not being able to play again at pharr. As I said, we've been there for 15 years. We play 52 weeks a year. But if you allow the contractor to have four courts and we only have four left, that will take care of monday when we are using seven courts, the combination of the two groups. And even in the other days people will be bumped. So what we think is that you need to rethink your policy because this has been written into the caswell contract and the south austin contract, as I said, and it's very hard for tennis groups, austin's tennis league, cta, usta, to get enough courts for their players. And you seem to be doing this in court after court after court. So I'm really hoping that you take a look at your policy and figure out a way to serve the interests of the tennis playing public. The other thing is that you made a decision to go with a new contractor. Maggie and ruben yanez have been there for 25 years, and they're universally supported by the people that play tennis or or at least everyone that I've talked to. And you made a decision to go with someone that we're not familiar with. And I'm not sure why you did that, but I think there needs to be some talk about why you're letting go of someone who has done really good work for 25 years. And go with a new group. So there are two things, one is who gets the contract and the other thing is this one line in the contract that reserves half of the courts for contractors. [Buzzer sounds]

Mayor Leffingwell: That is your time. Thank you. Robert touche. Also against. You've got three minutes. Okay.

My name is robert touche. I play tennis at the pharr tennis center and I'm concerned about the recent contract activities by the parks and recreation department regarding pharr tennis center. I've been a

homeowner in northeast austin since 1972. Recently the directors at pharr, maggie and ruben yanez, were underbid for a contract to run that center after many years of community oriented service. I might add that parks and recreation did not survey the taxpayer users of that facility when they made this decision. Now I am told the directors of all tennis centers are at liberty to use courts for their financial benefits in ways that might interfere with a heavier community use of those courts. I bloij to a use of 20 plus citizens. He said fist. That might be true, who regularly play doubles at pharr weekday mornings, and he told you the rest of that. To coordinate a group of this size we have been having two weeks' worth of scheduled planning. We have given up the use of those courts for larger projects such as school tournaments, group children's lessons and things of that nature. There were no designated courts solely reserved for lessons, although large group lessons certainly would be reasonable. We hope to continue our pattern of usage of those courts if profit motivation for the center director precedence over maximum use by taxpayers who funded the construction of these courts, then I ask the city council to direct parks and recreations to reverse this action. Thank you.

Mayor Leffingwell: Thank you. Is somebody from parks here right now? Okay. The question is the person who got the bid, do they have the -- do they have the same -- did both bidders have the same arrangement with regard to reserving courts for private lessons?

Yes. The current contractor in the current contract it states that four courts should be made available to the public at all times and four courts could be used for lessons. And in the proposed contract, it has the exact same language.

Mayor Leffingwell: So the bidder that did not win the contract had the same obligation to provide four courts open and four courts reserved for lessons.

Correct.

Mayor Leffingwell: Okay. I wanted to make sure there wasn't any difference there. Councilmember tovo?

Tovo: I had heard something a little bit different, so thank you for clarifying that. I had heard maybe from some of the email that the contract was reducing it down to-- from two courts reserved -- increasing it from two court reserved to four courts reserved. But you're saying the current contract reserves four courts.

Right. When I spoke to the gentleman -- first of all, kim mcneely, assistant director. Lonnie lineman is our tennis contract person. And when I spoke to them this morning he was here to answer the questions on my behalf, but he has gone for the day. He assured me this morning that the contract that is currently in place and the contract that is proposed to be in place had the same terms as far as the courts, four and four, four for teaching or for lessons, and four always open to the public. So at all times half the courts would be open to the public for use, and it's the same now as it would be in the future.

Tovo: So it just souped like maybe the practice of that management team varied a little bit from the contract. So who ben financially -- as to the contract, who benefits financially from the lessons? Is it a split with the city?

The contractor would have a larger benefit when you teach lessons. However, it was our understanding from some of the tennis community and some of the residents that in order to be able to play tennis with some proficiency you have to learn to do that and that there needed to be an opportunity to grow the game to be able to get more people to come and utilize the courts. So if people are interested in tennis, but don't have a level of proficiency that they feel comfortable being able to play, that they're interested in having lesson. So in order to grow the game of tennis, it was our intention to increase or to provide more opportunities for programming. And by programming we mean lessons for all ages at a variety of ability levels and also opportunities for more tournaments at a variety of ability levels. And then also a

concentration on the national junior tennis program being able to provide little people the opportunity to learn how to play tennis. And so the intention was to provide appear tun to people to learn so that more people utilize the courts, if that makes sense. And that's the contract language that was written was help us understand how you will be able to provide those programming opportunities to grow the game of tennis.

Tovo: I think that makes good sense and we certainly have heard from a few people who have argued from that perspective that you need that kind of lesson to further the game of tennis. Have you done usage studies to determine what the break down is of number of people who want lessons versus want public court time? A sense of what this would do to the population of people who are using that center?

I don't have that information, but I do know that -- I don't have the exact statistics, but what i do know is that when the tennis tournament, the tournament actually escapes me that came just recently, left us a legacy gift and that gift was to take some courts that are underutilized and make them into courts that are smaller scale so that younger people can have an easier time to play tennis. And so it was the thought of that portion of the tennis community that there was a need to begin to get people to learn how to play. And that was one way to do that. So I don't have the exact statistics as to the number who play and the number who need to learn, but I know that there was a thought in that portion of the community that we needed to really give people a chance to learn how to play. And it was a family opportunity because both children and adults could play on those smaller courts. I don't have exact statistics for you.

Are the contracts that the other tennis centers structured about the same way, half court time, half lesson time?

Yes, ma'am.

Tovo: And then I guess the second point that people have raised is the one about the manage am team, and have they been there 25 years? I've heard different figures on that.

I believe so. Since 1987.

Tovo: So a long time and I understand that that's -- that has -- they are really figures, I would assume, in that tennis center so it's a hard time to see that management team change. Can you talk a little bit process and what were some considerations, some criteria that you used in assessing the application? es that went out. The first was -- went out in december of 2010. And it closed on january 57th of 2011. And there was again an emphasis on providing programming and the basic same terms were a part of that proposal process. And in that proposal process the yanez group was not awarded the contract. And there was some concerns about the language in that and whether or not individuals actually understood the entire process. And so at the recommendation of staff, we did rewrite the criteria to make them more understandable and then reissued a second r.f.p. That went out april 20th. And then again reevaluated it per the purchasing process and the criteria, and this time the -- a different set of individuals were awarded the contract, the rippen team. So the yanez group did two times apply or participate process, and then neither time were they the ones with the top score in accordance with the purchasing process and how you score an r.f.p.

Sorry to talk about contracts at a time when we're competing with the band. So what we're -- can you give us a sense of what the criteria were? I assume it was ability to provide lessons, experience, things like that?

Experience, the ability to -- we used the term increased programming. And by increased programming we mean providing lessons for all ages, providing opportunities for tournaments, innovative ideas like providing workouts or things that would help individuals who really excel at tennis to become stronger, better athletes at the particular game. Specifically the ability to implement the national junior tennis

program. And then also we talked about better court utilization. So utilizing the courts to the maximum capacity. So those were the things that were specific in the criteria that we were looking for.

Tovo: Are there any opportunities to adjust the contract after? If it turns out that many of the people who have been playing at pharr tennis center are not able to get on the schedule at any other time because there's so much time devoted to lessons, is there an opportunity for that management team and for the city to adjust that contract?

Absolutely. There is an opportunity -- a mediation aspect. And the gentleman that i spoke of, lonnie lineman, who works as the person who manages these tennis contracts, certainly if residents were displeased, they could contact him and he would be able to mediate something that would be agreeable. Just on another note, in talking with lonnie this morning, we don't necessarily for see things changing considerably at far. And so while we understand that change is uncomfortable because the unknown is scary, we don't necessarily foresee anything being majorly different than it is right now. And he is there to help mediate that for the residents.

Thank you.

David levee? Albert ott? Ralph porter. Ralph is also against. You have three minutes.

Thank you, mayor and council. My name is ralph porter. I'm one of the members at pharr tennis center. Senior group. And one thing I kind of would like to dispute, about five and six years ago most of the courts did not have half the courts for tennis -- for lessons. This is just a phenomenon in the last three years. And so you have now total, if you take pharr, a total of 26 courts, and 13 only used for the paying public or taxpayers or whatever to play on. And I don't think it's a job of a city to subsidize tennis teachers. It doesn't make sense at all to me. I've never lived in any city where they've had half the courts for tennis teaching. It is fine have junior programs in the summer. We're not against that. But to go out and take tennis courts, you don't -- for one thing, excuse me, you do not make as much money on the teaching lessons, at least the city doesn't get it the money, as much as you do when you have four people playing doubles. Because you get \$16 per court. We pay \$224 a week, every week, that we play on the courts at pharr. And that is between -- in the summertime between eight and 10, and the wintertime between nine and -- nine and 11. And I don't know you're going to make that much money teaching on that, at that time, because that's day in and day out on monday, wednesday and friday. 13 Out of 26 is an awful lot of teaching courts. You will have an awful lot of people learn to go play tennis, but where are they going to play? That's all I have to say. Thank you very much.

Mayor Leffingwell: Good point. Roger vallejo.

My name is roger and I'm a past president of the austin tennis league and also a former chair of the tennis advisory board to the clarke parks board. And I'm speaking against the current recommendation. And what I'm asking is that the city pull down the request and award -- and tweak the contract so that the provision allowing half of the facility to be operated for a profit be changed. The current contract allows half of the courts to be used for profit. Unfortunately the contract incentives whatsoever to encourage emergency rooms to promote the use of the courts for casual play, for leagues or for tournaments because they get no money for that. All that court fee money goes to the city. And the amount they pay for every court they use for lessons is four dollars. If I teach a 60-dollar lesson on a court in austin, I only owe the city four dollars. If I have four people playing doubles there, each of them is playing four dollars and they're getting \$16. It's false economy to think that this works for the city. Everyday millions of people play tennis in the u.s. I would say probably less than five percent of them are taking lessons. All the information I've heard about all the new tennis players, a lot of them just need courts. I run a free clinic at pharr once a week and all I get are people who have just moved to town and are ready to play. All they need to do is find people to play. By bu the way the contract is worded right now, it also favors getting people out there. You will make money only if you schedule lessons. It's already been proven in council, already proven in sawn tennis center. And with the golf ball players and

swimmers, if they allowed them to do half the facilities to private instruction, I don't think so. The main thing is to run the center for the public or to run it for profit. And I don't blame the bidders for wanting to maximize profits. The problem lies with pharr because it never bothered to discuss it with the tennis community or before the parks board so this issue could be vetted. And my request would be that you pull down the contract and change that provision. And I don't claim to have what the answer is of how much court space should be used for lessons. It's probably less than two courts. But there's enough people in the tennis community to guide the city on this. Thank could be handled before the parks board. The other thing I have is that the contract bidders were asked to provide 1040 information, financial information. I would also like to see them be required to provide the revenue they return from all the private activity at those courts. From lessons, from sales of merchandise, from stringing and other services they provide, if they could just give us gross information on that because I hear so off the parks board -- parks and recreation saying, well, you don't know what the financial health of that center is. You won't know if you just have the information that comes to the city on court revenue. You need the big picture information of how much they're making. [Buzzer sounds] if you have any questions, i would appreciate an answer to any of those.

Mayor Leffingwell: Those are all the speakers that we have signed up to speak. I would just say too I'm not going to pretend to know big about the business model for running tennis courts, but it sounds like a case to be made -- obviously there is more demand for the courts and i think that this is worth looking into. What is the appropriate amount? And the last speaker made a good point. I don't know of any other city facilities where they reserve half of that facility -- I guess we're talking about the whole time -- for professionals to give lessons. So I would just be uncomfortable, I think, tonight, without going into this further. I think we need to look further at what the actual demand for using the courts versus the demand of -- for professionals to use the courts to make money off of. I probably didn't say that right, but -- [applause] it just sounds logical to me. And one of the speakers made a very good point to the effect that you train all these people -- teach all these people to play tennis, and then there's no courts for them to play on. I'll just leave it at that. Councilmember morrison.

Morrison: I want to say I agree with you and I think that it's -- we heard that it used to be different and it's only in the past few years that we sort of shifted toward this model. And I guess I would really like to be able to do a better evaluation of whether this is the better model for the city because I was thinking about that same logic issue. It seems that we have an overdemand for our tennis courts, and so I hate to say what are we doing, encouraging people to learn to play tennis, but we need to figure that out. And especially with regard to maximizing revenue for the city and maximizing the number of people that can get on the -- that can get on our courts. And it's great forfeitment and all. And I guess one question i have for staff is what's the timing of the current contract? What does it end? I'm sort of wondering what the criticality of this contract is and what options we would have to sort of temporarily extend it if we wanted to take a little time to look at this issue.

I apologize. Could you repeat the first part of your question?

Morrison: Current contract that we have, how long -- what is its duration? When is it over?

It's been held over already. We've extended the contract. And it's my understanding that you can extend a contract up to 120 days. And so the -- I believe this should have been in place in april, so we have taken until october, but I believe that in the purchasing there is another way to continue to extend it in order to explore what you've just asked us to explore about usage. So we could still hold over the contract for a certain amount of time. I have to look at the exact dates, but we certainly can get the information that you've asked for expedited, getting it quickly.

Morrison: I certainly support that and I support having our parks board help to vet all of that and come up with a recommendation because this does seem like a policy issue. And to get the citizens' perspective and the parks' board perspective with your help I think could really help the council figure

out which direction to go here. How best to serve the citizens.

Okay.

Mayor Leffingwell: Councilmember spelman.

Spelman: While you're here, I wanted to check out a hunch. It wasn't clear to me whether -- well, the contract appears to give the contractor the option of using up to four out of eight courts for holdover for use as tennis instruction. Does that mean that half of the courts throughout the entire period when the tennis center is open are in use for tennis instruction or that they could be?

It means that they could potentially be. So if, for example, -- I would have to make the assumption of the current contractor, who is allowing seven courts to be used, they're just not hosting lessons. And they're only using one court. So there's the potential to have all eight courts available if no lessons are being taught.

Spelman: Do we have an idea of what demand there is for use of these courts for lessons?

I can tell you that at the pharr tennis center that the number of lessons for an entire year that were provided were 413 lessons for an entire year. And at a very comparable center, caswell tennis center, that also has eight courts, there were almost 6,000 lessons that were provided. So that would mean that at the pharr tennis center one of two things are happening. One, we're not providing programming that could be provided, ie, tennis lessons, or two, there's not the demand at that particular center for lessons.

Spelman: For whatever reason, the tennis pros have all decided to use caswell and not pharr. They don't have to shuttle or something. If 6,000 is -- let's say that's the maximum allowable space, that would be four courts, constant use, whenever caswell is open. And four courts left open for everybody else. That's the same deal we have at caswell as we have at pharr.

Yes.

Spelman: So only 413 lessons at pharr, we could add a zero to that and we're not even up to capacity.

Correct.

Spelman: Most of the time at pharr if I walked in and wanted to use a court, there would be a court available or at least a court available for people like me because if I'm not trying to get lessons.

That's what it appears according to those numbers that I have for the last year, the number of lessons that were given at pharr.

Spelman: Okay. Any reason to believe that this contractor is going to be more assertive, aggressive at luring lessons than the current contractor? Is there a reason to believe it's going to change a lot?

I don't have reason to believe that it will change significantly from 400 to 6,000. However, I do have reason to believe that they would be recruiting more individuals to grow the game of tennis. But at what percentage? I can't possibly say. I can say, however, that they -- this particular contractor, also the one that's proposed, rippen, has a tennis contract at south austin tennis center and they're a known entity who to our knowledge is doing an adequate job or better than adequate job at south austin of balancing the needs of community for lessons and for play. So we would expect them to do -- provide the same type of service at pharr because we believe they're doing a pretty good job of balancing at south austin.

I was about to congratulate you on having picked an adequate contractor. I'm glad I don't have to congratulate you on doing that. Because they could have four courts for lessons, it's happened in the past. Whether it's likely to happen any time soon?

Right. I can't imagine that over the course of a month when you've only given 400 lessons, that all of a sudden it would increase to 6,000. I would imagine that there would be small increases over an amount of time, but I can't imagine that it would happen immediately.

Spelman: Do we have any kind of regular reporting scheme on all of our 10 nits courts to the parks board?

To the parks board?

Spelman: How frequently they're used. I can imagine a lot of things that might be spun out, but just look at this contract administration issue, how frequently they're used for lessons, how people want to walk on them, things like that.

We have not given that information to the parks board. And starting this month a actually there is a subcommittee, the land facility and program committee, of which I am to present all the programming information, and that would be the place that normally we would do that. It just started this coming month will be the first opportunity that I will have that. But certainly as you have suggested, we can begin to engage the parks board in this particular topic.

Spelman: I asked at the right time. I said monthly. That would be a tremendous load on you guys and not necessarily to be that frequent. But a periodic review of the parks board as to how we stand not just at pharr, but on all of our tennis contracts I think would be a good idea and it would be something you could work out with the parks board on how frequently that needed to be done.

Absolutely. Quarterly, semi-annually, biannually, whatever it is that they prefer.

Spelman: Thank you.

Mayor Leffingwell: Biannually is once every two years.

I get the two mixed up.

Mayor Leffingwell: Councilmember tovo.

Tovo: I would like to move that we postpone this item and send it to the parks board for a consideration of some of the issues we talked about, usage, financial benefits of doing lessons versus open court, etcetera.

Mayor Leffingwell: Motion by councilmember tovo. And I think we need have a date. Burt? The motion has been made to postpone it a sufficient time for the parks board to review and come back. So give us a date that would be practical to do that?

Mayor, burt lamb breast cancer ras, assistant city manager. We'll coordinate with the parks board. I believe they'll be meeting meeting -- I guess the next pard meeting -- if we can take to to the parks board in october, we believe we can come backo council and try to get the data. If not at the end of november, first part of december. So we're thinking within the next two to three months. We can certainly work out the contract to extend it for that period of time.

Mayor Leffingwell: December 8?

Yes, sir.

Mayor Leffingwell: Is that all right with you, councilmember? And second? All right. Further discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero. The last council-pulled agenda item is 57 by councilmember spelman.

Spelman: Thank you, mayor. I just had a couple of questions.

Mayor Leffingwell: And there is one speaker. Just one. Marshall bennett? Is he here? Okay. No speakers. The speakers are all in.

Spelman: If we drag drag this on long enough, the speakers always go home. [Laughter] is there anybody from the shop that I could ask a question of?

Spelman: At the end of this transaction as far as a needs assessment and funding priorities, at the time for the bond committee starts meeting or at least some of that is ready to go before the bond committee starts meeting, so right out of the box they'll actually have a sense for what our needs look like. What is your schedule for producing t?

Our capital planning group is working on finalizing our needs assessment process. And I believe the calendar that's laid out, I think there's adequate time to come back. And certainly I think the idea is to present both financial analysis and needs assessment to the city council prior to working with the newly created bond committee, which is really the same model we followed in 2006 when a bond committee was created. Staff then presented both needs assessment and fiscal analysis and then the bond committee was appointed following the meetings that occurred after that point.

Spelman: Okay. When do you think you will have needs assessment ready?

I believe we are scheduled to come back -- i think we'll be ready here in the november time frame.

Spelman: When in november?

We will have to get a specific date back to you on that.

Spelman: So you're about two months out from actually having a completed needs assessment that is appropriately vetted by the department heads?

Yes. It's a very long process. We create that had new group to make sure we are sinking up all of the multiple planning efforts to make sure we're coming up with a synchronized needs assessment.

Spelman: I was thinking you needed three pieces to this, needs assessment, fiscal analysis, what is the bond capacity over the next few years, and the third one would be a sense of priorities. Is that part of the needs assessment?

Certainly I would think it would start with that. I think it would be key to the city council and the city manager laying out an overall needs assessment that starts with that.

Spelman: so the first of those things is going to be available towards the end of november?

I think that is being finalized. I think we need to get you a schedule here within the next week or so in

terms of when we can get that all out to you in terms of a finalizing that effort. But I believe within november we'll be able to get all that information.

Spelman: Okay. My concern is that if we constitute a committee, ea appoint a committee by the 10th of november, they start meeting shortly after the 10th of november, but we haven't got background information available for them to take a look at, frankly I'm concerned that they'll pick up their own prioritization scheme and needs assessment and have great ideas and develop a head of steam which will then cause a little bit of trouble for you because you have your own set of information that you're working off of. And getting those may be bit of a trouble. If we're not in a tremendous hurry, to seems to me that we might hold off on appointing the committee members until after you guys are done with your needs assessment or at least the first of those three documents that you will be presenting to us toward the end of november. I wanted to ask a question. I realize there's no motion on the table. I'll put it on if you think it's necessary.

Mayor Leffingwell: I completely agree with you. I think it's a little premature because it's unlikely that the taskforce would meet before the first of the year. That's something in that time frame.

And just to clarify, mayor and councilmember spelman, again, the process that I believe that this resolution is following somewhat in some regards is our 2006 general bond election process, which is the last comprehensive bond program we had. Again, the process from that was -- not to go down memory lane too long, but was in february of 2005 the council created a bond committee. Staff presented -- made several presentations in february, march and april. And council made the aappointments to the committee after those presentations had occurred. And then that bond committee began meeting in earnest starting that may.

Spelman: In may of 2005?

Different process, different time, yes.

Spelman: And the election itself was in may of 2006.

November of 2006.

Spelman: November. They had a year and a half to put that bond package together.

They worked through that fall and finalized their work in january of 2006.

Spelman: Okay. So we had almost a year to, if you'll partner the expression, sell that bond package to the public.

To go through it in process.

Spelman: To go through the proper process. Thank you. That's why we keep you guys around. You keep me honest! I understand then that this is consistent with that, we're way behind. On the other hand, I really feel strongly that we need to have staff work done in advance of the citizens' committee meeting to make sure the committee is able to stay a track appropriately.

Cole: Mayor, can I join this conversation?

Mayor Leffingwell: Well, let me just say that councilmember spelman has the floor. If he wants to yield to your question.

Spelman: I will happily yield to the mayor pro tem.

Cole: Okay. I did look at the process that we did in 2006, and there was a considerable amount of time, almost a year, that the bond committee had to actually examine projects. And then even more time to actually sell those bonds. And I felt like we didn't have that much time left right now to even come close to that. And we were also contemplating a large package with lots of diverse items, and we just simply needed the time and needed to get started consistent with 2006. And I actually served on the bond committee in 1987, and the process was very similar to that that was used in 2006. It is a gradual process and that as they learn and we learn, then we move faster, more concurrently. And even then they had a lot more time to do it. So in this case the very first -- we don't appoint UNTIL NOVEMBER 10th, 2011. And in 1997 the very first meeting was simply done with -- staff went in and explained the process, kind of what we did in 97, what we did in 2006, what the city manager is planning to -- how they plan to go about it this time. And then the selection of a chair. So you don't need any staff input for that. And then there would probably be another meeting in december or january that would tell them what staff has already told us about bond capacity and the financial issues at place. And then the next meeting would probably be the one where you would start laying out priorities or not as much priorities, because we tend to weigh in on that some. But like the transportation department and parks would come for, say, a particular meeting. And the advisory committee would be apprised of the fact that next time parks and transportation is coming so that they can look at information on the web and the comprehensive plan and call particular councilmembers that appointed them and say, ask questions about that. So it was very -- if you think of this in terms of the bond package that will ultimately have to sell to voters or that the voters will approve or not approve, it very much is cat gorized in that way. So you would probably say and then within that transportation. Multimodal, bike lanes that. Might very well take two meetings. But you don't wait for the transportation analysis just because parks isn't ready. [One moment, please, for change in captioners] I wanted to be sure that the timing was going to work out. Greg, do you have a comment? Looked like you were about to.

Mayor Leffingwell: Let me just say that -- that on the one hand, I don't think staff is going to be ready for several months to -- to bring this -- make a presentation to the task force. And I would be very hesitant to start bringing things piece male to the task force until we have the whole big picture and certainly one of the mistakes that we realized that was made in 2006 was not laying out very firm guidelines about -- especially about cip's. And we wound up several of them being -- underfunded and -- and still nothing has been done on those projects. So on the other hand, i don't see -- I don't see much harm in going ahead and stabbing the task force, assuming -- establishing the task force, if they don't meet for a couple of months I don't see that it's a big deal.

As the mayor pro tem laid out the schedule, to hear what's going on, the background of previous bond packages, so, and then have a second meeting sometime in the beginning of december, ends of the year, to hear that and the bond capacity information. Is that going to work for you or is that going to rush you too much?

Again, what I will say is I know the city manager's intent is to come forward to the city council with a -- with a very strong, detailed needs assessment, that has gone through a very thorough and rigorous process that we've been working on now for quite some time. Partly from lesson learned from previous bond elections. Coming forward with both the -- the prioritization part of that, the actual needs assessment itself and then ultimately the fiscal analysis that would be wrapped around that. The key thing is again to come put that together and it is presented to the city council. Then following previous year -- previous bond election, I think what we would do is then take that, once a committee is seated, to use that language, we would then walk that committee through that same presentation, perhaps in some other more detail, as well as the fiscal. That is the approach, again, there would be a needs assessment, that would be presented with kind of a structure around that to a bond committee.

If we pass this resolution, we're kind of putting you guys on the hook for having to be ready by sometime in december to be able to get working with the committee on -- on working through that needs

assessment process. Explaining how you came up with what you came up with and so on. You would have to pretty much finish by that point. Do you feel comfortable being ready to be finished by then?

Again, in terms of -- if a council -- if a council -- if the council decides to actually appoint committee members, prior to us -- prior to the city manager presenting the needs assessment and fiscal to council, I think the city manager would still first come to the city council with that presentation and recommendation and not then work with that committee until that process with council had -- had been established and then go work with the committee.

Spelman: I'm perfectly happy being the first person to hear that stuff, that's fine with me.

The plan right now would be ready to do that within by mid to late november to be ready to come forward with that.

Cole: Okay, that sounds --

Spelman: Okay, that sounds terrific. I'm glad that you are thinking of lessons learned from previous bond packages I'm trying to do the same thing on our end here. With that in mind, mayor pro tem I understand that you are the key sponsor of this item. I would like to recommend --

Cole: Go ahead, I'm sorry. Go ahead.

Spelman: You've seen it before. Let me ask you. If we could add a little bit of language to -- to parts of this to at least begin to learn some of the lessons that we've learned from previous bond committees. On section -- first resolved, section d, it states the committee should work within the scope of a needs assessment and funding priorities to be recommended by city staff, which I think is a very good idea. I'd like to add another line, which I will provide to the city clerk in a moment, presuming this is a friendly amendment. To a motion which hasn't yet been made, but we can work out the technicalities in a second. The committee will ensure that projects it recommends for bond funding provide the greatest long-term benefits to the public and that recommended bonds are sufficient to support these projects. I think that will avoid a library problem and it will ensure that somebody has to make a clear and convincing case for something that is not on the staff needs assessment.

Cole: Did you mind bonding capacity -- I didn't understand that last part.

Spelman: I want to be sure, not to be too blunt, if a library is going to cost us 100 million bucks, we would put out bond for 70 million bucks. The bonds recommended for each project are sufficient to actually build the project. That's all that --

Cole: That's friendly.

Mayor Leffingwell: That's exactly what I said, councilmember spelman.

Spelman: Great minds think alike.

Mayor Leffingwell: What did you say, mayor?

Mayor Leffingwell: I just agreed with his proposed amendment which will be proposed after you make a motion.

Spelman: Second thing is a small thing, I think it might matter a lot to members of the committee. First resolved section e, it requires that the committee shall attend a series of public briefings conducted at

city council meetings. I'm concerned that the entire committee may not be there to resolve any inconsistency I would add representatives of the committee shall attend the series of public meetings.

Mayor Leffingwell:.

Cole: I consider that friendly.

Spelman: That's all that I have got.

Mayor Leffingwell: Did you want to put a motion on the table.

Cole: Move approval, mayor.

Mayor Leffingwell: Move approval of the resolution with the additions suggested by councilmember spelman, is that correct?

Cole: Yes, as amended.

Second.

Seconded by councilmember spelman. Okay, council morrison.

Morrison: I have a question for staff, I know we are getting to our break. I just want to make sure that I understand one thing about the process much one of the three essential elements that you mentioned, canale was the prioritization, when I think about prioritization, i think about that sort of as a general thing and we apply it and end up with presto, that's the list of needs. So when is there going to be or do you foresee an opportunity for us to -- to have a discussion about the general approach to prioritization? You mentioned, you know, there's going to be a lot of competing elements and pieces of it with different plans that are drivers for it. So do you foresee any kind of general discussion about prioritization with the council or committees or anybody?

Absolutely. Again, I think we would -- as you approach those three components as the city manager presents those three different components, that that would be the first one in terms of the -- of the prioritization process having everyone -- not unlike I believe what we did in the 2010 bond election. There was a -- there was a -- there was a prioritization that was sent out to the council and there was some discussions on it. In fact I believe counsel adopted those prioritizations that allowed then the bond committee to move forward. Also the kind of -- kind of the -- the -- the actual -- the bond committee's charge, so to speak, as it relates to all of that. So councilmember, I think that would be -- that would be really the -- probably the first out of the gun would be that prioritization discussion.

Morrison: So we'll be looking at that independent of any projects?

Correct. I think the city manager -- the prioritization he will be presenting that.

Martinez: Good, thank you.

Mayor Leffingwell: All in favor of the motion say aye.

Aye.

Opposed say no?

Cole: Mayor, I have to add I guess I need to make a motion to reconsider.

Mayor Leffingwell: We haven't completed the vote ..

Cole: I need to add language, I will give the completed language to the clerk, I was just informed that there could be a problem with -- with projects that are receiving private funding if we put language in there that they can only be funded if the bonds cover them. So we want to add language that says as of the end of the amendment -- the committee -- I can't read your handwriting. Sufficient to support the projects, except for projects receiving funding from other sources. And we will get that language to you. I just want my colleagues to understand the intent that we're not limiting the particular project to that that can be bond supported. And -- and there's one other question that we have for Shirley. And I think councilmember Spelman might have a question for you, too. I --

Mayor Leffingwell: We may need to -- take break on this and come back.

Cole: It's very short. I just want to make sure that we've made all of the changes to our boards and commissions and I've called this the bond election advisory committee, I want to make sure this should not be a task force because we don't want it to roll on forever and we actually have a bond oversight committee. In the ordinance changes that you made in 2007, we -- there is wording in there that distinguishes that temporary bodies are called task forces. Purely to -- to distinguish them from a permanent body. So our recommendation would be if you want to be consistent, so that the public knows, just by the title of it, that it's temporary, we would recommend that you call it a task force. Rather than a committee.

Cole: Okay. So that my colleagues know that is another change that I will make to this resolution instead of a bond election advisory committee, it will be a bond election advisory task force.

Typically, in a temporary body like that, there is something in the resolution, either an event or a date that sunsets that body.

Spelman: While you are up there, I have a very fast question around I will be finished. I know a lot of people who want to be out this. I suspect there are a lot of people out there who would be terrific members of this committee. Is there any barrier to you posting this as an opportunity and taking volunteers for us to take a look at.

We can do that based on your direction.

Spelman: I would like to provide that direction. I'm not sure everybody else on this dais would like to see those volunteers, but I would.

We will put it in our system.

Spelman: That's all that I have got, mayor.

Mayor Leffingwell: Assuming that it's an optional thing. Yeah. So the maker amends her motion, is that acceptable to the second? All in favor say aye.

Opposed no. Passes on a vote of 7-0. Without objection, we're in recess.

All right. Good evening, everyone. We're running a little bit behind schedule, so we're going to try to move this along, we have 10 proclamations tonight. Going to be a long break. It my honor and privilege to introduce to you the live performer, as we do every council meeting we showcase Austin's best

musical talent here in city hall. Joining us today is lex land. She's a singer, song writer. Since her career's inception at the age of 19, heat index lex land has achieved relevancy, her songs have been heard on private practice, castle, one tree hill. She was invited to perform on late night television on last call with carson daily and over the radio airwaves on krrw's morning becomes eclectic. Fueling these events was a fair amount of hubbub surrounding her debut album in march of 2008, orange day. It held the number one spot for weeks following its release and proceeded to earn best of 2008 honors from I tunes as well. Lex land has performed multiple slots at south-by-southwest and has made several cross country discussions with her rotating cast of backup musicians. In 2009 she wrote the rest of the songs that would complete her sophomore album entitled where my sweetheart to go, which was released this summer. Please help me welcome, lex land. [♪♪ Music playing ♪♪] [♪♪ singing ♪♪] [applause]

thank you so much for that, that was beautiful. Can you -- do you have a website that we can go to and check out.

It's lexland.net.

How about where you might be performing next in austin to folks can come check out.

I am going to be performing at the spider house ballroom tomorrow night at 9:00 p.m.

Obviously we can get your stuff on I tunes.

And waterloo.

I want to present you a proclamation if I can, lex. It reads be known whereas the city of austin, texas is blessed with many creative musicians whose talent extends for virtual every musical genre, whereas our music scene thrives because austin audiences support good music produced by legends, our local favorites and newcomers alike, whereas we are pleased to showcase our support, showcase and support our local artists, now therefore I lee leffingwell, mayor of the live music capitol of the world do here by proclaim OCTOBER 6th, 2011 AS LEX Land day. [Applause] now we'll get to our proclamations.

Mayor Leffingwell: This proclamation is kind of a first for us here at the city of austin. We have an actual astronaut with us here in the council chambers, tim kopra. And I'm going to introduce tim and let him make a presentation to the city. I guess and to me. So I will just let tim begin. Thank you.

Very good. I thank you mayor leffingwell and good evening. My name is tim kopra, I've been an astronaut since 2000. I was born and raised in austin, texas and even though we lived down in houston, there at johnson space center, every time i drive from austin going back home I still feel homesick. I had an opportunity two summers ago, the summer of 2009 to live on the international space station, while I was there, I brought a flag for the city of austin and was able to fly that on board while I was there and wanted to present to the mayor today and the city council. [Applause]

thank you. So up on the screen is a picture, it's a little bit dark there, but it's a picture of me inside the japanese lab with the austin flag and then a view of the planet from the window there. I also have a montage that i would like to present, it's from the mission that i participated in, which was expedition 20, international space station. This -- this montage shows the international space station as sps 127, you can see the shadow of space shuttle endeavor as it leaves. This piece right here was the exposed facility the except of the international space station that we assembled along with the crew of sts 127 and expedition 20 was the first time that we had 13 people on board the space station. This is a picture of me on my space walk. But more importantly we have a flag of the state of texas and our mission patch that was flown on board sts 127. [Applause]

let me just say, tim, thank you very much for this honor. I'm especially appreciative. I remember back when I was on active duty in the navy they recruited several people from my squadron to go to a test lab in philadelphia to -- to perhaps train to be astronauts. And I didn't take advantage of that opportunity and I've always regretted it. So anyway, we will -- we are very pleased to receive this and we'll put it in the appropriate place upstairs in our display case so that all of the people of austin can see it. Thank you very much. [Applause]

well, this next one is about money and for a change it's about money coming in instead of money going out. I'm privileged to introduce pedro garza to make a presentation to the city of austin. Mr. garza, thank you.

We've had occasion in the past to work with a number of groups here in austin. Southwest key out in east austin, houston tillotson of course, people fund by the [indiscernible] tract and american youth works. This is the first time that we have occasion to work with the asian american community. As you know it's one of the larger, fastest growing communities in the city of austin. And so at ada we're in the ideal a development foundation, we evaluate, exam, compelling investment opportunities and we try to invest in those that will bring back the biggest bang for the buck. In the real world, we are the federal government. And so -- so on occasions like this, I extend an apology to the recipients for having endured the bureaucracy and surviving until this moment. So it is with pleasure that I present this check for \$750,000 from the economic development administration department of commerce to the city of austin. [Applause]

pedro, thank you very much. I want to thank, also, and you of the community that's here. This is clearly an indication of a community event and a community that has come together for many, many years, has been very committed to this project. And we're very excited. This -- the additional funds will provide an additional 2200 square feet to our facility and again we are very excited about it. I believe our next speaker will talk a little bit more about the actual project itself. Thank you again.

First, I'm the president of the asian american resource center. First I want to thank the regional director pedro garza and their staff for long term support to the asian community and this project. Second I want to thank the city have support us so long and since about 10 years and the land and the support of the - support of the project and issue the bond and we got the bond passed and the city staff support us so much and we really appreciate that. The more -- I want to thank all of the community in austin here, including the asian american chamber of commerce, also the network of asian american organizations, and arc advisory board and arc board members. Because without their support, long term support in 10 years, their vision of 15 years ago, we don't come to this point. This is a great moment for our community, for us and really appreciate that. Now if you found that you want to know more about this project, please go visit the org and you can see more information about this project. Also if you want to donate money, you can also support this project, too. And you can have your name on the paper for this project, your name will stay with this project forever. Thank you so much. [Applause]

let me just say quickly on behalf of the city of austin, thank you very much, mr. garza, for this grant. I was privileged to be on the council back in 2006 when we approved the initial bond money. For the resource center. And it has been a work in progress and I know that it seems like a long time to you who are working on it. But believe me, it's going faster than previous prongs projects of its type. Keep at it, we'll get the job done before you know it. I would also like to acknowledge former councilmember jennifer kim back here who was also part of that same council that approved the bond funding for the beginning of the resource center. Thank you very much. [Applause]

it's my great pleasure to present a proclamation to honor of texas performing arts 30th anniversary. Bass hall, as we know, is -- was the first major performance venue of its kind that we had here in austin, used by -- by all kinds of organizations, the austin lyric opera was there for a long time. And we're very proud of it. I got to say that -- that my personal good friend, ann stafford, is now I don't know what your title is, director of event. All that I know is every now and then she invites me to come out and -- and

visit with a new event that's coming to austin and they do have a lot of very important ones, a lot of unique events, the rockettes for example I was privileged to go out and see those and welcome young ladies to austin. That was a lot of fun [laughter] I can't kick that high anymore. Somebody asked me if I could kick like that, the answer is absolutely not. So I will read this proclamation, be it known that whereas texas performing arts flagship venue, bass concert hall, opened in 1981, since then more than 6 million people have enjoyed 4,000 world class music, dance, theater and Broadway performances there and whereas texas performing arts is committed to providing access to the arts as an integral part of a well-rounded education. Students from grade school through college level have enjoyed free or discounted admission and whereas partnerships with non-profits make the arts accessible to low income seniors and people with disabilities as well. And campus and community engagement activities reach thousands more citizens and whereas training for the next generation of arts presenters is also a priority, with students receiving hands-on training back stage on stage in the educational outreach and house management arenas. Now there ever I lee leffingwell, mayor of the city of austin, do hereby extend congratulations to tpa's access and proclaim the 2011-2012 season as texas performing arts 30th anniversary in austin, texas. Let's give them a big hand, congratulations. [Applause] so anne or -- kathy, are you going on to --

I'm, okay.

Thank you, all right.

> I would like to thank the austin community and mayor leffingwell and city council for -- for marking this wonderful anniversary for texas performing arts. This organization has been going strong for 28 years before I arrived in austin. So I have just got to come in and enjoy the -- the decades of success of their new director. I would like to say thank you, also, to -- to our many season sponsors of texas performing arts who make not only the programming spots possible, but also a lot of the activities that we offer to the community, all community members. And our sponsors are represented here tonight by tom sherf from the radisson hotel and especially which is our season sponsor, we're very proud of. I would also like to thank the donors who give a lot of themselves and are advocates for what we do at texas performing arts and representing that group our directors council is tommy cowan, local architect. Thank tommy. I would also like to thank the former staff that came here to recognize this anniversary. We have been very, very proud to be part of such an ever-growing, as mayor leffingwell said we had one big venue in 1981, I don't know if I can count all of the big venues that have come to pass here in austin, it's grown, grown, growing, it's a terrific honor to be a part of that. We -- the council, as mayor leffingwell said, had a role in texas performing arts. I was with mayor leffingwell as we did welcome from troupes to -- for the radio city rockettes. I would say, mayor, that we cannot look quite as good as they did [laughter]

I accept that.

But it was so great to see the troupes and their families -- the troops and their families, many from fort hood come to see the families during the holiday season. I also want to say that i understand it was this body, the austin city council who came up with the well known moniker now live music capital of the world. We hope that we have taken that into the world of philanthropy. Texas performing arts was just given a 450,000 grant mellon foundation, matched by another 450,000 from the university of texas. The whole goal of the grant is to explore the role of classical music in the live music capital of the world. I say as an arts person, one of the original live musics is classical music. I'm very honored to mark that and our 30th anniversary with you today. Thank you again. [Applause] ,.

Mayor Leffingwell: The proclamation recognizing the 100th anniversary of deep eddy pool. I will just say that it's my favorite personal favorite swimming hole. I grew in austin, of course, went to barton springs a lot, it was a special treat always to go to deep eddy, because that was all the way across the river. It was a special add very verymuch -- special adventure to go there. It's being celebrated this year with a very special work of art. A large mural with tiles that -- that cover the entire face of a walkway going from

the parking lot down to the lady bird lake trail. And I was privileged a few months ago actually to go out at the very beginning of this thing. Have all of you worked on this project and put on tiles? An enormous amount of work. I'm sure they can give you the exact dimensions, but it looks to me like it's 30 or 40 feet long by an average of about 12 or 13 feet high. Is that somewhere close?

[Indiscernible]

I was about half right. 125 Feet long. It's huge. And I look forward in a few days to going out there next week and -- and helping on i believe it's -- it's october -- what's the date? 16th. And we're going to have the grand opening of the deep eddy mural. The tiles actually tell a pictorial history of deep eddy pool. Back in the old days, when -- before the advent of lawyers, you know, when we had things like super high diving boards and -- and horses jumping off of large platform into a pool, all of those events are -- that story is told in terms of these murals. Somewhere in there, I will have to go back and look for it, there's a little tile that I put in there a few months ago with my name on it. So -- [laughter] I will look forward to seeing that. Part of the history of deep eddy pool now. Deep eddy is kind of a neighborhood pool. Some of you may remember a few years ago that an effort was started to restore the bath house there. It was a -- it was a collaborative effort between all of the neighbors who got together, and raised funds and the city matched -- matched that funding, we got that job done. It's completely done now and it was restored to the way it was originally built when the pool was built. Only now it looks brand new. .. it's a great addition to the city of austin, to our community. We appreciate all of those who have done all of this work. So of course we have this proclamation. Excuse me, I'll now read. Says be it known that whereas the new addition has been made to the oldest swimming pool in texas, with the unveiling of an artist's initiated mural that highlights the colorful 100 year history of deep eddy pool. And whereas the project made of hand made tiles and colored mirror covers the concrete wall on the northwest side of the pool and was conceived by artist wanda montemayor and lisa orr and carried out by students at austin schools and participants in several non-profit programs; and whereas the artists have already received a liveable city vision award for the project, which was created with support from the friends of deep eddy, several city departments and corporate donors, now therefore I lee leffingwell, mayor of the city of austin, texas, do here by proclaim OCTOBER 16th, 2011 AS THE Dedication of the deep eddy pool mural in austin, texas. Congratulations, everyone. I also want to point out someone else who -- I think she's shy, chose not to come up here today. But my good friend nancy nevel who I know has been with this project from the very beginning, at least raise your hand. [Applause] and so -- I was just reminded that -- that everybody come out on the 16th for the unveiling of this and the city has officially waived the entrance fee to the pool for that afternoon. So you get to go for a free swim, also. So -- so thanks again, guys, and somebody want to make -- come up and make a brief statement. All right. You get the proclamation, too.

I just want to thank you so much for believing in our community project. It's really -- it's austin us as a community, our love child back to the city. I would also like to thank my partner, lisa orr for putting up with me for five years and for our families for putting up with five years. This was a project of love as I said and collaboration. There are over 100 volunteers. Eight different schools, private, public, east austin, west austin, south, north, we made something that was historically austin. That has now been -- that has been forgotten, the history, we opened it up to the city and the most valuable and important part of this project was the relationships that we created with the members that made a tile and giving them a voice that will be forever and ever in austin. The mosaic is 125 square feet long, everything hand made, messages, hopes, dreams from children, adults, all over the city. I just can't thank my volunteers enough. There was no way lisa and i could make this project alone, we had so many people sweating in over 100-degree heat for two days straight installing the mural, not to mention the 15 months of tile making. So thank you again, city and thank you again to all of my volunteers. [Applause]

Mayor Leffingwell: This proclamation is in honor of live music at austin bergstrom airport, which i think is a great initiative. When anybody gets off the airplane, whether they are a visitor or an austinite coming back home, they know they are in austin, texas right away when they walk down that gangway and into the terminal and hear live music by our local artists here in austin, texas. And I've got to mention that -- that I've said several times recently, that -- that when somebody just mentioned a minute ago that austin

is the live music capital of the world. And the reason we know that is because the city council said it was true back in 1991? In 1991 we declared ourselves to be the live music capital of the world. To this date no other city has challenged that claim. So we feel like that claim has -- been solidified and of course obviously i believe that we fully deserve that title. Notwithstanding complaints from nashv salsbergberg austria, we're number one. The person here accepting this proclamation, nancy coplin, actually came up with the idea and the title to declare austin the live music capital of the world.

I was one of few.

Mayor Leffingwell: Well you get credit for it tonight.

Well, yay, thank you. [Applause]

so I'm going to read the proclamation and let you say a few words about what you -- the great work that you do out there at the airport. Be it known that whereas live music is the life blood of austin and austin bergstrom international airport and serves as the front door to our city; and whereas live music at abia has given the airport worldwide acclaim and has brought the austin music experience to countless travelers; and whereas we are pleased to recognize delaware north company's incorporated for sponsoring and supporting all live music performances at abia since the airport opened way back in 1999, their sponsorship has grown from two shows per week in a single venue to 13 shows per week and five live music venues, whereas abia will CELEBRATE ITS 5,000th LIVE Music performance this week. Now there ever, I lee leffingwell, mayor of the city of austin, will here by PROCLAIM OCTOBER 7th, 2011, As dnc, that's delaware north corporation, ABIA'S, 5,000th MUSIC Performance day in austin, texas. Congratulations, everyone [applause]

thank you, mayor.

Go ahead say a few words.

Okay.

Wow, first I would like to thank all of the great austin musicians who come out to the airport and play. I would like to thank delaware north corporation for being our partner for all of these 12 years that we've been doing live music. At the airport. And paying for and sponsoring and being a really good partner, open to suggestions, innovative and they get it. They get the music. I would like to announce, too, that -- that starting the first of november we'll be adding two additional performances, thanks to delaware north at the airport, bringing us up to 15, so we may need some liquid paper for this to update it.

We can fix it.

I would like to thank jim smith out there who has put up with me for over 20 years and is a big supporter of our music and also the director of austin bergstrom international airport. Thank you for coming out today to support us and bruce who came out and annie. Who -- who was bruce was instrumental in dragging me kicking and screaming on to the new airport terminal task force where -- where we recommended music for the airport. So thanks to everyone for this opportunity to thank austin music.

Pictures.

Okay.

What a coincidence. We just talked about austin being the live music capital of the world. By declaration of the council. And coincidentally, last week when I was speaking to a group of a clean energy summit here in city hall, i decided to declare austin the clean energy capital of the world, too. So far it's been

about a week and nobody has challenged me on that. But, you know, I really do think that it was a good idea because the city of austin, the austin electric utility, has been a leader, we're very proud of it. It's a big organization. As a matter of fact it's about -- in terms of dollars and cents, it's about half of the -- half the city of austin government, the budget is. And they've done such great work and we've got -- we've got a lot more to do. In the leadership. The director. The general manager, i should say, larry weis, who just came on board about a year ago, is that right, larry? And -- and has made a huge impact as he gets used to our process here in the city of austin. He's settled in very comfortably now, I think, so we want to -- to make sure that he stays comfortable, too. I want to read this proclamation in honor of austin energy. It reads be it nope whereas austin energy, the city of austin's municipally owned electric utility is celebrating public power week in honoring the company's contributions to our community and whereas austin energy has been serving austin and surrounding communities for 116 years and provided 5 billion to the city of austin since 1976, and whereas austin energy remains committed to providing clean, affordable, reliable energy and excellent customer service and to offering services and programs that are valued by our customers, now there ever I lee leffingwell, mayor of the city of austin, do hereby proclaim october 2nd through the 8th, 2011, as public power week in austin, texas. Congratulations to all of you. Appreciate the work that you do. Larry? Do you want to -- say a couple of acceptance words.

Yeah.

Participate in the democratic process here.

Yes, sir.

Go ahead.

Yes, sir. Thank you, mayor. Just something about public power week in austin energy is the city of austin's locally owned electric utility, been providing low cost reliable electric power since 1895, a lots of people think it doesn't go back that far but indeed it does. Today austin energy is the 8th largest publicly owned utility in the united states. More than 410,000 customers. Nearly 2,000 employees. We're one of 72 public power companies in texas. Among 2,000 community-owned public electric utilities serving more than 45 million customers in the united states. The benefits are policies and strategic objectives are made at the local, here at the council level. Directly reflecting community values and priorities. Rates are affordable. Competitive and stable. Customers are our owners and have the opportunity to influence decisions and dividends return to the community rather than distant stockholders this supports the local economy with direct and indirect with economic development community activities in education and austin energy's mission reflects community values to provide clean, affordable, reliable energy and excellent customer service. Mayor we will take up the challenge of being the cleanest utility in the world or in the united states, however you want to put us to the task. Behind me are some of the folks that keep the lights on here, hard working crews and I appreciate them coming out here with us tonight.

Thank you.

Well, I'm very pleased to announce this next proclamation for the national forum for black public administrators. This organization does what is really needed in public as much as. And that is to promote employees who are african-american to rise in the system and actually serve that community. Because so much of government services goes to the minority community and needs to focus on the minority community, it is especially important that we have organizations like this. So this proclamation reads: Be it known that whereas austin is pleased to be serving as the host city for the regional conference of the central texas chapter of the national forum for black public administrators, leadership summit 2011, and whereas the conference's intensive training sessions, especially tailored forstrators, executives and managers will focus on preparing and quipping the next generation of public administrators to meet urban challenges while preserving our environment at the same time. And whereas for the past 30 years, nfbpa has distinguished itself as a premier organization in providing exciting training conferences that help sharpen management skills and impart innovative ideas to the

discussion of critical challenges facing public administrators. I want to say that our city manager, marc ott is very active in this organization. Just as importantly, our chief of staff chief of staff Anthony snipes is very active. What is your title? Don't you have a title.

A board member.

All right. I won't give you the chairman of the boardship right now. Does anybody have any comments? Anyway, congratulations, would you like to make a comment? Go ahead.

Thank you, mayor pro tem cole. And we would like to thank the mayor and city council for your support. But most importantly, we also have to recognize again the city manager and the anthony snipes. The majority of our members are city of austin employees. And so we value the city's support and contribution to the national forum for black public administrators. The central texas chapter has about 160 members. We have actually been active, truly active, for about the last three years, and have increased our membership from about 50 members to 160, so it's been quite remarkable over the last few years. This is the third year that we're hosting a leadership summit. We -- we tend to look for issues that are important to this community and this year we're focusing on criminal justice, education, sustainability, and health care. We also have a number of workshops that we will be hosting as well as some networking opportunities. On a national level, there are about 2500 members throughout the united states, about 400 of which will be in our community next week, october 13th AND 14th, AT THE OMNI South park hotel. So we are looking forward to a wonderful event. And before I complete my remarks, I have to point out a couple of other people. diggs also the co-chair of the planning committee, also dusty mccormick, haven't of our organization, of the central texas chapter. snipes is also the board member on the national board. And is also our conference planning chair. And out in the audience, we have a couple more members, but this is a great honor, we appreciate it. Thank you for your support. [Applause] ,.

> I'm pleased to issue a proclamation on behalf of health literacy month. I will tell you that my mother lives with me. Recently I was involved with some issues in the department of health in the city. I got an award. I saw when I was looking over the agenda that I get to issue this proclamation. This morning she said, well, sheryl, what he need to tell them is that you rushed me at the doctor. And I said, mom, I'm not going to say that. Sure enough, I did. .. so -- so I appreciate the fact that there is a whole month for people, from the little things to the big things to become more literate in helping people with their health issues. be it known that whereas health literacy is a person's ability to access and understand health information in order to make good health decisions, and to advocate for themselves and their families, in the health care setting. And whereas improving health communication systems-widely improve the health of all central texans and will reduce health care costs and whereas the literacy coalition of central texas is dedicated to improving communications by training adult educators to incorporate health information into their classrooms and by providing services to health care organizations to make their facilities more patient-centered and whereas this special month is focused on promoting the importance of understandable health information on both sides of the spectrum. Now there ever I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim october, 2011, as health literacy month. Thank you. [Applause]

thank you all. A special thanks to the council and the mayor pro tem and the mayor. We are really honored to be here and in a lot of ways, i think the city of austin is really ahead of the curve in a lot of issues. And health literacy is one of those. The literacy coalition is really proud to be bringing this big national event here to austin. And if I looked in google and did a google search about two years ago for health literacy, not much would come up. But over the last two or three years there's been a lot of research and national focus on the issue. Because in the end, if you cannot understand the label on a prescription bottle or you can't understand instructions your doctor is giving you, you are going to make really critical errors in your health care and your ability to make a -- make good decisions for your health are very much hampered. Austin is a national leader in health literacy. We have incredible partnerships. We have been recognized by the national accurating body for literacy for our efforts in health literacy

and we do that all through our partnerships with the network of over 70 literacy programs, like any baby can be represented here today. Also through partnerships with health care providers like the seton family of hospitals. We couldn't do it without the caring community that we have here and critical partnerships and so again I just want to say thank you to this community for being so responsive and so again ahead of the curve in this very important issue. Thank you. [Applause]

Riley: Okay, I'm councilmember Chris Riley, in keeping with the health theme, it's my honor to present a proclamation in recognition of binational health week. We all know that health is one of those issues that knows no borders, this is one opportunity to recognize that and to work with partners to call attention to health issues across a number of countries and to work collaboratively to see how we can address them. I'm delighted to have Annie Crawford here from the Mexican consulate, I'm going to present the proclamation because it's known whereas that binational health week reflects coordinated efforts, Mexico, Guatemala, Ecuador, Peru, by expanding Latino's access to health care. Whereas our country is home to 5 million people of Latino origin, many of whom are mobile populations requiring multiple approaches in service design delivery, funding priorities, and a strong binational commitment. Whereas outreach efforts during binational health week and year round focus on questions of uninsured and underinsured Latino populations to raise awareness of preventive health services, now therefore I, Lee Leffingwell, Mayor of the City of Austin, do hereby proclaim October 15th, 2011 as the Binational Health Week. It's my honor to present you with this proclamation and invite you to say a couple of words.

Thank you, councilmember, and all of the City of Austin. This is a national movement to properly promote the health and well-being of the Latino population. We have a wide array of healthy activities taking place over the next two weeks. All kinds of good stuff happening. We have flu shot clinics, breast cancer awareness classes, diabetes and nutrition classes, healthy mom and baby expos, health fair resources, all kinds of good things happening. For the full calendar of events visit the consulate's web page www.sre.gov.mx

Austin. It has English and Spanish version of the calendar of events there. Just to contextualize why efforts such as these are important, 74% of the population that we serve don't have health insurance, 61% don't have access to regular medical care or doctor. So there's a real need for care and understanding about where to find medical help. So the city support of our efforts of binational health week help educate those in need to provide preventive health services and this provides a stronger, healthier communities for all of us so thank you. [Applause]

Riley: Okay, last but definitely not least, this is always going to be a fun, I like doing bike proclamations, this is going to be a great one. John, Ben, Austin, we have a few of my bike friends here. And this is an opportunity to recognize the 2011 North American Cycle Courier Championships. This is a really exciting event, I'm so glad we got this opportunity to let people know about it. I'm going to read this proclamation and then say a few words to make sure that everybody knows what's going on. The operation reads as follows: It is known that whereas bike friendly Austin is pleased to have been selected as the host city for the 2011 North American Cycle Courier Championships. And whereas this annual event provides hard working bicycle couriers an opportunity to race each other on closed streets and strengthen the bond that makes their jobs so unique. Whereas couriers will have plenty of opportunities to race, enjoy Austin's many natural, historic entertainment venues and do messenger hobnobbing. Therefore I, Lee Leffingwell, do hereby proclaim October 7th through 9th 2011 as the 2011 North American Cycle Courier Championships. This is really a big opportunity for Austin. It's a big event and a very important part of the bike culture. And I'm so glad that we're -- that Austin gets to play this role. And I want to give that -- John and Ben an opportunity to say a few words about it. [Applause]

> you know you live in a great city when you walk through the peaceful protest to go accept a proclamation for your courier race. So thank you city council. Thank you city of Austin. We have a great schedule for our race. It starts Friday night, welcoming party, races go Saturday and Sunday. Out at the driveway east Austin. Parties at night. Then a closing ceremony Sunday night. We have a full schedule in our website which is the acronym for the North American Cycle Courier Championships.

Naccc2011austin.com. Ben?

[Indiscernible]

we are really -- we are really thankful to the city for allowing us to do this. The environment here brought a lot of hype to our event. Most people are attracted to come to austin, ride their bicycle, live car free. If it wasn't for our city we wouldn't have such a great event that we have planned for you this weekend. Thank you very much.

All right. Thank you. [Applause]

Mayor Leffingwell: We are out of recess. A quorum is present. I had previously said we would take up number 76, the zoning case, but we will hold off on that until we have a full council because it has a valid petition. We'll just go back and try to pick off some of these items that got pulled off the consent agenda for speakers. First speaker -- first item would be item number 2. Speaker signed up is heather fazio. Heather in the chamber? No? Garage brown lore. Albert autin? Is he here? Not in the chamber and those are all the speakers that we have signed up on that item. I'll entertain a motion on item number 2. Councilman spelman moves approval, seconded by mayor pro tem cole. Discussion? All in favor say aye. Aye. Opposed say no. Passes on a vote of 6-0, councilmember tovo off the dais. Item -- sorry to do this to you. We'll go to our zoning case now. We have a full council. Call up item number 76.

Thank you, mayor and council. Item 76 is for the properties located at 705, 707, 709, 711 west avenue and this is a change from general office zoning to general commercial services conditional overlay mixed use. You do have a petition that was filed in opposition to this request and the petition currently stands at 21.06. The public hearing is still open on this item, although you've already taken first reading approval. Unanimous vote of 7-0. I understand that there may be -- there is a prior restrictive covenant that's already been executed between the applicant and the neighborhood, but you still have opposition to the case as it stands. If you would like, I can go into more detail, but i understand there may be a motion that council might want to discuss about this particular case.

Mayor Leffingwell: We do have speakers signed up so we're going to hear those first.

Okay.

Mayor Leffingwell: Does anyone have any questions for staff before we go to speakers?
Councilmember tovo.

Just a quick one. In looking over the zoning ordinance, I just want to verify that the uses in part 2 b, the following uses are prohibited uses, that includes all of the cs uses except for the two that the applicant is needing?

I think there are three uses that the applicant is seeking. In this case electronic pro-type assembly, electronic testing and research services. And then the ordinance as written would basically prohibit the list of those uses that would I think normally be found in cs but has cs base district by development standards applicable to property. The ordinance is written in yellow as you have on the dais and it would be ready for three readings based on the ordinance as presented. If there is something other than that, we can certainly --

Mayor Leffingwell: Second and third.

Second and third readings would be ready today. Tovo what was the last thing you were saying, if there was something other than?

If council puts forth a different motion, I would probably want to check with assistant city attorney, but if it's very clear, I think we could do second and third reading for something other than what's exactly written in this ordinance that's very clear.

Tovo: Thank you.

Rich Suttle is here on behalf of the --

Mayor Leffingwell: We'll hear from all of them in order, but councilmember Morrison I think has a question for you.

Morrison: One of the things that had been contemplated was to suggest site development regulations in the ordinance. As I understand it, can you answer this question, is that one of the constraints in the private restrictive covenant with the neighbor?

I would probably want to ask Richard the question on behalf of the owner. If council's desire is to go forward with the CSMUCO uses, with the only allowed CS uses being those three I just mentioned earlier and geosite development standards, I believe we can do that on second and third reading today. That's clear enough. There is one other condition that speaks to trip limitation and it's already in this ordinance and we would be able to go forward without any problem.

Morrison: Okay, great. Thank you.

If you still want to listen to Richard about the --

Mayor Leffingwell: We will listen to everyone that signed up. First is Richard Suttle. Donating time is Joseph Kahoon. Joseph here? Okay. Amanda Morrow is here. Thurman case. So Richard, you have up to 12 minutes.

Mayor, members of council, Richard Suttle and I'll just be happy to answer any questions you might have. The purpose of this zoning case is for Cirrus Logic to add three uses to their currently zoned building and that's really the bottom line. The private restrictive covenant we've entered into with the neighborhood association that supports this basically says we're limited to CS, we're limited to 60 feet in height and in the event the neighborhood plan is adjusted to allow these three uses, we will seek and prosecute a zoning case that's going to be part of the neighborhood plan. I'll be happy to answer any questions you might have about this. We just -- it's no different than some of the buildings we have down here. Adding these three uses for Sirius, it's just that we don't have room for them as accessory use in the building that's going up. They've outgrown the building that's going up so this allows them to have the research testing, the prototype assembly and the other -- the third one, I can't remember what it is.

Mayor Leffingwell: Councilmember Riley has a question for you.

Riley: If Cirrus wouldn't be able to do that what would the alternative be?

We would have to have a building off site and we would have cross traffic coming back and forth.

Riley: So it would just mean much more traffic.

And we've estimated it could be as many as 100 -- just commuting could be 100 trips a day average, just coming back and forth and that doesn't include you forget your belt, you got to take your kids something to school, something like that.

Riley: Whereas if they were able to do these things in this building, then --
they would be on site.

Riley: Walking across the street.

Correct.

Riley: Great.

Mayor Leffingwell: Councilman spelman.

Spelman: subtle, from the outside of the building neighbors will see a building consistent with g.o. zoning.

Correct.

Spelman: Is there anything going on inside the building that will trigger smells, sound, consistent with anything that would happen in a geo building?

No.

Spelman: Okay, just plano.

You won't be able to tell a difference. These uses have evolved, essentially they are an office use, but because of our code they require a different use category.

Spelman: Thank you.

Mayor Leffingwell: You're not going to be doing any crash tests or anything like that in there.

No crash tests. We don't have to have a hazardous rating under the fire code because there's no chemicals, that kind of stuff.

Mayor Leffingwell: Councilmember riley and then tovo.

Riley: One more question. Will there be any changes to the exterior of the building?

We have agreed to -- we can't do great streets because there's not enough right-of-way but we're going to do -- we've agreed to make the sidewalks bigger and try to match up with what's going on across the street. The building itself is pretty nondescript now. Some day hopefully it will be but at this point it's not.

Mayor Leffingwell: Councilmember tovo.

Tovo: I just have a couple questions. I'm looking, I'm comparing the uses in cs to those in g.o. And I see maybe one or two that got left off the list of prohibited uses like automotive -- automotive washing. Did you intend to propose that as a use?

We don't think we need that one.

Tovo: And then also I see that bail bond services and liquor sales and cocktail lounge use are

conditional uses. I know they are permitted uses -- or conditional uses within cs, but they are not allowed in the current zoning. Do you have any objection to those moving back to prohibited uses?

Don't need those either.

Tovo: And then I had a discussion with cirrus logic representatives via email about the uses, but if you could just explain whether these uses -- there was some concern that the uses proposed for this building might have sound impacts outside of the building. Do you want to just address that?

Well, actually the interesting thing is we're going to probably soundproof the building so that sounds from the outside don't affect what's going on in the inside. No vibrations, no sound for some of the testing they are doing on their chips. There won't be any sound going on inside that would cause a problem outside. What we may be needing to do is improve the building so that the sound outside won't be coming in.

Tovo: Okay. Thank you.

Thank you.

Mayor Leffingwell: Okay. Ted sift. Ted sift here?

Ted and al had to leave earlier. I think they are signed up in support.

Mayor Leffingwell: They are signed up in support. And there are no speakers signed up against. We have one speaker signed up neutral, blaker tillette.

Good evening, mayor, mayor pro tem, members of the council. Blaker tolete, I'm here tonight as a citizen. I've owned property on the northwest district, been a part of downtown for 30 years. You all have letters that I've written on this case to the [inaudible] and you. I had two main concerns, still do. I'm very concerned that cs is on the north side of 7th street. It stands as a precedent. I understand that it has conditions on it, but it's still a precedent. I think there was -- well, it's what it is. My other thought is -- well, several differences aside, i think the downtown austin plan is a good plan and I hope you all move forward on it, at least this portion that deals with the northwest district. And under that plan this would 60 probably and with these uses being -- would be legal nonconforming uses. My concern is that this property has been owned by the applicants for nine or ten months now and no one has approached the ordinance subcommittee and the planning commission asking that these uses that they think that they belong could easily fit under d.m.u. Nobody has gone forward. Restrictive covenant between the applicant and the neighborhood association down there, oama, does not speak to this. It lays out many things that happen, but it does not say that the applicant is required to go forward. I would ask the council if you do approve this to perhaps if it's in your power and something you could do for us, could do for the neighbors down there, to maybe instruct the planning commission to take a look at this and see if these uses could fit under d.m.u. I'd like to see the ball get rolling. There is no -- there's a lot of good talk and they seem like good folks, but this is real estate and there's money involved and it would be nice to get this cleared up to get this zoning rolled back because they are obligated once these uses are available , you are obligated to roll the cs back into d.m.u. That's pretty much it. Thank you for your time.

Mayor Leffingwell: Thank you. Those are all the speakers signed up wish to go speak. The following are signed up heather eberly against, danielle esparza against. Michael freed for -- [indiscernible] amy long neutral. Joe deangelo neutral. That's all the speakers and I'll entertain discussion or a motion on item 76. Councilmember riley.

Riley: I would like to ask greg a question. tolette raise a question about d.m.u. Zoning and

accommodate this within d.m.u. Could you shed light on that issue?

After we get the downtown plan approved we go back and do kind of a regulating plan for the downtown area, there will probably be discussion -- in the downtown plan I think 60 and we could have discussion about what types of uses are allowed in that district and that could occur the at that time. Nothing stops the planning commission from considering a code amendment today that would modify maybe an office district to allow these uses or another district to allow these three uses that are being discussed today.

Riley: Currently these uses would not be allowed in ?

Currently these uses i don't believe are allowed in d.m.u.

Riley: And help me again with the timetable, if the downtown plan is approved, then at that point as part of the -- if the council approves the vision of the downtown plan, it's on our agenda today, I don't know if we'll act on it today, but once we act on that and let's suppose we approve -- approve that, then what would it take to get the figures turning on the code amendment process to accommodate uses like that?

I think the other regulating plans we had like for burnet gateway and some other neighborhoods don't come back right away. Usually it's going to take a little time, as much as like nine months to a year to come back probably before we have that. I would kind of be hesitant to give you a more specific timetable on that. Frankly I thought the downtown plan would go a little faster than it is and given the level of engagement, everybody neighborhood, I would expect this would be looked at with a little more scrutiny than in the past.

Riley: subtle mentioned in connection with this rezoning that the applicant would do not quite great streets but good streets. Is that commitment embedded in the rezoning by way of a covenant of any kind?

I'm not aware if there is anything in the private covenant. I'm not aware of anything in the ordinance before us and there's not a private -- or public restrictive covenant that's really made that offer of good streets not great streets that's before you.

Riley: Maybe I should ask mr. subtle about that. How that commitment would be memorialized.

Councilmember, we have an exhibit on the presentation that can show what we've agreed with with the neighborhood. It's not in the covenant, it's not in the ordinance, it's part of the remodel of the building that we agreed to with the neighborhood and we can --

Riley: You have a drawing?

We do have a drawing. They are pulling it up right here and we can make it a part of this.

Riley: What's the current width of that sidewalk? It looks like it's about four feet.

You see the -- where the trees are now, there's head-in parking. So we do away with the head-in parking and I think there's some dimensions on there that show expansion of the sidewalk into the head-in parking and adding the trees around the corner there.

Riley: I see. So it would change the parallel parking and then --

it's roughly 18 feet.

Riley: The sidewalks would be 18 feet?

Yes.

Riley: And street industries would be included?

Yes. And we'll be happy to make this diagram that you see here a part of -- I don't know how we would incorporate it into the ordinance.

Riley: Greg, do you have --

other than you have cirrus's commitment this is part of the remodeling.

Riley: This is a pretty significant improvement to the streetscape and I wonder if there is some way it could be connected with the rezoning. Formally. Greg, do you have any thoughts on that?

Well, councilmember, there's not a way that I could really recommend that you could attach it as a site plan because code prohibits you from attaching a site plan to zoning. However, staff could follow up with the applicant after this and he's already stated for the record that they've committed to do this and I guess I could come back within so many weeks of the remodel and report back to council in the form of a memo.

Riley: Okay.

And say whether they actually kept their word or not.

You could initiate a rezoning --

Riley: We weren't talking about revisiting -- we were talking about revisiting the rezoning to discuss whether the uses could be accommodated and we could revisit at that time.

Along the lines of what blaker had mentioned, we too would like the code amendment to start now. Those take long time and we don't think there is any -- can't ever say any. The discussion ought to start now about adding those uses because we do have a commitment in our private covenant that if they are added we will rezone to the under the neighborhood plan. If there's anything you could do to in addition to making sure we do what we're saying we do on this plan to initiate that code amendment, that would be appreciated I think on the neighborhood side and on ours.

Riley: When do you expect these improvements would be put into place?

Well, I don't know that. We don't have a plan for immediately starting yet because we still have a tenant issue in the building.

Riley: Is there some time after which we can look at this site and say, well, you didn't keep your word? I mean is there -- any -- can you offer anything on that? Any outside --

well, we have a tenant issue that could go out as long as possibly six months to a year.

[Inaudible]

Mayor Leffingwell: Okay. Next --

I'm sorry, he's with cirrus giving knee direction. Looking into moving in late next summer and that would be about the time frame we're thinking.

Riley: So you think within the next 18 months?

Yes.

Riley: So 18 months from now if the work isn't substantially complete, then that would be cause for concern.

We could revisit.

Riley: Okay. If there are no more speakers, at this point, mayor, I would be ready to move that we close the public hearing and -- are there other speakers?

Mayor Leffingwell: Yes.

Riley: There are other speakers?

Mayor Leffingwell: No.

Riley: Then I'll move we close the public hearing and approve the rezoning on first reading. Well, actually --

Mayor Leffingwell: Second and third.

Riley: All three readings. Or second and third readings.

Mayor Leffingwell: Second and third. Councilmember riley moves to close the public hearing and approve this item on second and third readings. Is there a second?

Spelman: Second.

I just wanted to clarify the motion that since we're going to have to redraft the ordinance based on what guernsey said earlier, uses plus the three additional cs and the geo site development standards? Okay. And the trip limitations.

Mayor Leffingwell: And i thought you already had that.

It's not in the current ordinance, mayor, it's someth we would have to revise and usually we like to bring you a ordinance that's ready to go, but this is fairly simple.

Mayor Leffingwell: Is there a second on the motion? Councilmember tovo seconds. Seconded by councilman spelman and councilmember tovo is recognized.

Tovo: Thanks. So I think that what our legal staff just said will handle the issue, but some of the uses -- I'm sorry, that are cs use not in , are not listed, anyway this list isn't complete.

Right. We understand the motion to be uses and then there's only three cs uses that would be allowed

being electric -- electronic prototype assembly, electronic testing and research services. So I think the uses that you mentioned earlier are typically not uses that are already -- they are already prohibited by our code in g.o. The automotive rental, automotive repair, services, automotive washing, these are some of the uses prohibited in a g.o. district. Basically it's straight up g.o. district. site development standards but the three cs uses so it would be zoned with the exception of the three additional cs type uses.

Tovo: Then you don't need for me to list the ones that were not included on this.

No, I think because we can go to the existing use of g.o. Uses.

The applicant is agreeable to all of that with the understanding when the neighborhood plan comes back, we'll be talking about the d.m.u., not necessarily g.o.

Mayor Leffingwell: Councilman spelman.

Spelman: subtle, I'll guernsey is necessary , but from your point of view, would your client find it acceptable if the extent of these were simply permitted , they were conditional uses? The reason for conditional is because although your client is not going to have any noise or vibrations or smells or other things, I can easily imagine how some other research services or some other kind of testing services might produce some objectionable leftovers. And that -- I would be almost certain that you would have no trouble getting through a conditional use permitting process given you are not producing anything like that, but some other might find it difficult and I think it would go down a lot more quickly and easily if we had those conditional uses rather than straight-up uses.

In the new d.m.u. That would be acceptable.

Spelman: Okay. Greg, what instrument would we need? Would we need to pass a resolution?

Well, when we get to the downtown plan, I guess you could make part of your motion a direction to have that considered as we go through the process of creating the regulatory plan to implement the downtown plan that those three items be looked at as conditional uses as part of that process.

Spelman: I will keep that in mind. Thank you.

Mayor Leffingwell: Councilmember morrison.

Morrison: I want to acknowledge that there's a valid petition on this zoning case and we spent quite a bit of time talking with the folks that have concerns and the -- trying to get to the crux of the concerns what as i understood it was for the most part the -- having cs on the map here. Was an example of disand concern it was going to be moving up north on west street and that that would be inappropriate. And I'm definitely sensitive to that argument. On the other hand, I see this as a relatively temporary situation and I do -- and I am site development regulations and are is going to be completely reflected in the zoning ordinance so that it's about as clear as it can be that this was a special case. And so with that I -- I can't see my way voting against this because I think that it's a reasonable -- reasonable use that has some benefits, as councilmember riley pointed out. So with that I'll be supporting the motion.

Mayor Leffingwell: Any further discussion? Councilmember tovo.

Tovo: Yeah, I want to also just echo those thoughts. I also take very seriously a valid petition. I think it indicates that there is significant concern among the immediately adjacent neighbors, but I agree that i think in the main this is going tobago project and between the site development requirements and the condition -- and the uses, i think that is really mitigated some of those consequences. But I concur with

councilman spelman's point that those ought to be conditional uses when we have that discussion. So I will be supporting the motion.

Mayor Leffingwell: All in favor of the motion say aye. Aye. Opposed say no. Motion passes on a vote of 7-0.

Thank you, mayor and council. That concludes the zoning map changes for this evening.

Mayor Leffingwell: Item 18. 18 Has one speaker, scott johnson. Scott johnson is not in the chamber. Councilmember martinez moves approval. Seconded by mayor pro tem cole. Discussion? All in favor say aye. Opposed say no. Motion passes on a vote of 7-0. Item 26. One speaker signed up wishing to speak, heather fazio suttle. Fazio.

I don't really have a whole lot. I'm exhausted just like you are. I just in general am opposed to immunization outreach because I feel it turns into immunization promotion. With the science coming out leading, you know, connecting vaccinations to things like autism and adhd, I just don't think it's something healthy for our community. I think a lot of people are opposed to it, therefore i don't think we should be using taxpayer money to promote a pharmaceutical industry making millions of dollars off something that is unnecessary to our health. Thank you. [Applause]

Mayor Leffingwell: Thank you. Those are all the speakers that we have. I'll entertain a motion. Councilmember morrison moves approval, seconded by councilman spelman. Discussion? All in favor say aye. Aye. Opposed say no. That passes on a vote of 7-0. Item 57. I don't know why that's still showing. We've already addressed that item. 41. Lisa smith. Lisa smith in the chambers? Danielle esparza for questions. Amy long for questions. Several other signed up against not wishing to speak. I'll entertain a motion on item 41. Councilmember martinez -- councilmember martinez moves approval. Seconded by councilman spelman. Councilmember morrison.

Morrison: I apologize, i saw one more speaker in the audience but you said you didn't wish to speak.

Mayor Leffingwell: Please silt down, mr. dafoe. Okay. So any-a motion and second on the table. Discussion? All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. Item number 5. One speaker, clay dafoe. You have three minutes.

Good evening ladies and gentlemen, true citizens of austin. I've almost been here 11 mayor, I do not appreciate you moving me around and picking which items I speak on. I get to choose that and it's very difficult to prepare anything meaningful to say when I never know what you guys will let me speak on and refuse me. Thank you, councilwoman morrison. Thank you for trying to stand up for my rights. I wanted to speak on the surveillance van. I prepared a speech so I'm disappointed in council for not letting me speak. And as you received my previous letters, this is a very vurs issue. -- Serious issues which I am willing to keep talking about and taking action on. That's your decision.

Mayor Leffingwell: You have to confine yourself to the subject.

Authorizing negotiation and execution of 12 month interlocal agreements known as public sift equipment loan agreement with automatic renewal for up to four general one-year terms between the city and various governmental agencies that cooperate including law enforcement, fire, emergency medical purposes for the purposes of mutual aid and inter operability. That's a tongue twister. I do not like these automatic renewals you guys keep giving on these contracts. Why are we setting ourselves up for five, six years of failure with this interlocal agreement. I looked at the actual document here. It was very interesting and insightful to read. Now, we're basically loaning what's essentially communication and vehicular equipment among those different agencies. 3 they are described as radios and cameras. That's where they give the definition of the loaned equipment. For all you citizens that might not know

what the loaned equipment is, that's where you find it. Entity costs, an important section of the document. Section 4.1. The entity responsible for damage or lost equipment pays for the cost of that loaned equipment. Now, that's good. That's a protection for us. As an attorney, I would be proud that you are trying to protect yourself there with this contract. 2 on entity costs, this is a dead give away. Instead of charging other cities and counties up front, this includes all of travis county whether it's west lake hills, whether it's bastrop and bastrop county, burnet county, blanco county, caldwell county, fayette county, hays county, llano county, williamson county, the state of texas departments and fema as well as different federal agencies including the department of homeland security. I don't know why you want to give your equipment to the feds. They have plenty already. 2 says the entity will reimburse the city for the delivery, installation, programming, maintenance and repair. Now, why are they having to reimburse the city? Why don't they just pay for our services? It seems like a strange bargain. [Buzzer sounding]

Mayor Leffingwell: Time has expired.

I urge you to vote no.

Mayor Leffingwell: Those are on the speakers on that item. I'll entertain a motion on item 17. [Applause] item 5, excuse me. Councilmember martinez moves approval. Seconded by councilmember riley. Discussion? All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. Item 17. One signed up to speak, clay dafoe. mayor, for allowing me to address council on 17. I have to collect my thoughts. It's very personal, it hurts when you are refused permission to participate in your own government. And I'm feeling a lot of that right now so excuse my emotions, but it's very draining to come here and prepare and to be shut out. It's not democracy, mr. mayor. Number 17, authorize payment of the city's annual membership dues for the fiscal year 2010-2012 in the lone star district, thank you, in amount not to exceed \$49,500. I would like each council person that's been elected including the mayor to look at this invoice. City of austin addressed to miss nichol. Let's see. I'm trying to read it here. I have it in front of me. Four district's operating expenses october 1 to september 30, 2012. \$49,500. And this is your invoice. One line. I think that's pathetic. When I go to the grocery store, I get an itemized receipt of everything I buy. Cranberry just, 2.50. 99, whatever it's at now. Itemized receipt. This is when I go to h.e.b. When I go to radio shack, wherever I get my goods, they give me an itemized receipt. You are the government and you are participating in this lone star rail district. Now the government is exempt from fees. The government is exempt from taxes. So first of all, I don't know why you are paying this \$50,000 to be in a lone star rail district. You are the government. You don't owe any fees. It's not like you are an individual paying your dues in a private association. It's a different scenario. And what I really resent, there's no itemization. Where does this 49,500 go to? I tried to look in backup items and there was some material which I appreciate. It gives kind of the history of this district but it doesn't even really state if I'm right the purpose or explain why we need it. I mean it explains why we've been in it, but I know it's dealing with passenger rail, but it seems ridiculous that our government, the city of austin, would have to pay dues as a member of this organization. It just doesn't seem right. The government is exempt from taxes and they are exempt from dues and fees. I instruct you as your constituent to vote no. Thanks for listening. [Applause]

Mayor Leffingwell: I'll entertain a motion on item 17. Councilmember riley moves approval. Councilmember martinez seconds. Discuss? All in favor say aye. Aye. Opposed say no. Pass on a vote of 7-0. Item number 59. Several speakers signed up in favor. Rich herwick.

Thank you, mayor, council. My name is rich herwick, president of [indiscernible]. I've stone with several of you on combined heat and our and saw this -- on combined heat and power. [Audio difficulties] council passed a resolution for 24% reduction in fayette power plant 400 megawatts. We just did the math and that equals 140 megawatts. I want to call your attention to combined heat and power within austin's territory that happens to equal almost that same. University of texas at austin has 137 megawatts of combined heat and power. We know of projects in the city that could use similar amounts of power aggregaed that wouldn't cost the city anything, wouldn't cost austin energy anything because

there are people that are willing to do members of the texas [inaudible] initiative that have financial contacts that would like to do public-private partnerships that would come in and sell the power to austin energy and the commodities that chill water and hot water to the -- to the government entity that would be buying those. Now for the advocacy part. These -- we're not asking the city to purchase the chp system. We're asking them to purchase the electricity through austin energy. And you would reach your clean air goals, and we just appreciate the opportunity to come and champion clean, affordable power inside the city territory. With that I would ask if you have any questions.

Mayor Leffingwell: Thank you. Next speaker cyrus reed. Not here. Donating time to cyrus is ray whaley. Not in the chamber. Joe deangelo. Joe deangelo. Those are all the speakers signed up wishing to speak. I'll entertain a motion on item 59. Councilman spelman moves approval. Seconded by mayor pro tem cole. Discussion? All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. Number 60. Several speakers signed up. Jeffrey williams. Jeffrey williams. Donating time is rich herwick. Chris bailey. Sara grub. Did you want to speak on this item also mr. herwick? Okay. Come on up. Nrts three minutes.

Thank you, mayor. I wasn't intending to the first time. I think you have some handouts and I'll call your attention to who texas combined heat and power is, you might recognize some of those logos especially as you go further down the page. And I've given each of your staff members a copy of -- an electronic copy as opposed to me printing it, of the white paper study that discusses what would be the third page in your packet -- no, the second page in your packet, which is on the usdoe white paper, and you can look at all the advantages of combined heat and power. These are, we think, reasons for more combined heat and power to be implemented in the -- in the city of austin. As you know, the university of texas has 137 megawatts. The texas medical center is just recently put in 50 megawatts. They are about to put in 50 more. Texas a&m, not to be outdone by the longhorns, has added 48 megawatts, 25 at a time to their plant. And we're working on a new opportunity with micro turbine combined heat and power at a condominium in dallas that if it will work in 100,000 square foot condominium, it will work almost anywhere. This will have a 200-kilowatt micro turbine and we think there's going to be a lot of places after this market starts to open up, there will be a lot of places that combined heat and power will work in the austin energy service territory. The members of the initiative are ready to go to work. Understand that the council has requested a study on applications of combined heat and power and we have information that might be helpful for that study. So we would encourage the council to pass this resolution as it relates to demand response, combined heat and power is energy efficiency, it is demand response. What we want to do is work toward having more of it. The cleanest technology on site energy that converts natural gas to electricity. Because you are capturing the waste heat. I appreciate your time tonight and we would like to talk to more of you more often. Thank you.

Mayor Leffingwell: Scott johnson. Chris strand. And cyrus reed. None of whom are in the chamber. That's everyone we have signed up wishing to speak. Councilmember martinez moves approval. Seconded by councilmember riley. Discussion? All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. We have done 76, city clerk. 79, Conduct a public hearing and consider an ordinance amending chapter 25-6 of the city code.

This item is an amendment to chapter 25-6 of the land development code to reduce parking rights in the downtown area for properties zoned p, public. Just as background, we've had reduced parking regulations in the downtown area since 1985 for the purpose of encouraging better transit access, controlling parking facilities, discouraging inharmonious parking in historic districts and intrusions. The parking applies to -- the minimum parking requirement in the downtown area for these -- in these zoning districts is 20% of the standard requirement and there's also a cap, a maximum amount of parking provided of 60% of the standard requirement. This 60% cap may be exceeded if all the spaces are in a parking structure, an even closed garage, or if the land use commission approves off-site parking for this additional parking. In addition, the regulations require no parking for a designated historic landmarks or historic districts or for use in a building less than 6,000 square feet that existed before 1997. The proposed amendment would apply these same reductions to properties that are zoned p, public. Within the area bounded by martin luther king jr. Boulevard, interstate 35, lady bird lake and the

[inaudible]. The properties are shaded in orange on this map. This amendment has been recommended by both the downtown commission and the planning commission on unanimous votes. I would be glad to answer any questions.

Mayor Leffingwell: Questions for staff? All right. We have no speakers signed up wishing to speak. But we do have people expressing opinions.

[Reading names into record] anyone else wish to go speak in entertain a motion to close the public hearing and approve the ordinance. Councilman spelman, that will be all three readings. Second? Councilmember morrison. Discussion on this? All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. That brings us to item number 80.

Good evening, mayor and council, jim robertson, head of the urban design division within the planning department and here tonight in my capacity as co-project manager of the downtown plan. I'm joined by michael knox right behind me, my co-project manager on this. It's been a longer day for you than it has been for me. I have about a nine slide power point I think I can get through in three minutes and then I would be happy to step away to let the public be heard. With your indulgence, I'll move ahead with this and let other people talk. Just refresher where we are, we actually released the draft for community review is what it was called of the downtown austin plan in november of 2010. We're coming up on close to a year on that. Since then we had a council work session in november, the final town hall meeting, we've run through a gamut, if you will, of boards and commissions, culminating in the planning commission april of this year, we conducted a briefing for you on AUGUST 18th, AND HERE WE ARE Tonight posted for public hearing and possible action. I'm not going to go into the substance of the downtown plan at all. I'm happy to answer questions at all. I just have this one slide that just gives the basic seven areas where we have -- that we've used to organize our very implementation oriented downtown austin plan. And then this slide shows that essentially [inaudible] here are three categories of implementation actions. Code amendments, zoning changes, one. Investment priorities, in other words, how the public would invest financially in the downtown, and then recommendations on governance and management with respect to the downtown austin plan. In terms of what we are asking of council, first would be to adopt the downtown plan as an amendment to the austin tomorrow, and it is worth saying that there is nothing in the downtown plan that is regulatory in effect. It is a master plan. And as a consequence, that's why we're making recommendations on proceeding with things like developing a regulating plan that implements the downtown specific development standards, creation of new zoning districts. This came up in one of the items you took up awhile ago, 60 zoning category downtown. Proceeding with the development of a density program. Proceeding with the recommendations on compatibility. These would pave the way we would actually propose to take action. The code amendments could come back to planning commission. There would be public review and comment and ultimately we would come to you. These would be the ways we would implement the things that have a regulatory effect. Included within that are the actual rezonings we've proposed in the plan hopefully utilizing some of those new zoning categories we propose to create. We also have made a recommendation to you that you direct that the implementation projects be integrated into the capital planning that the city is very aggressively pursuing now through the capital planning office. We translate the aspirations into the city investment and integrate those into the city planning for those. Now, when we came to you back on august 18th for the briefing, we talked about the creation of an economic development corporation. I have this in yellow here because I know there were a lot of questions on the 18th of august about what would it be, how would it be god, what would it focus on and so forth. What we're proposing at this time is not that the council per se take action along with adoption of the downtown on any particular form of economic development corporation. What we're propose ing is that we, city staff, continue work on this in the next month or two and come back to you with that as almost a separate item in a more fully fleshed out form. And we sent you a memo to that effect recently. So next steps, here we are, public hearing and possible action. I guess one can hope that this may be the second -- second or last time you have to listen to me about the downtown plan at least prior to adoption. Have you in your backup staff recommended amendments, a draft ordinance, answers to questions that were raised way back last november in your work session, and so forth. There is one thing that I put on the dais tonight which is a memorandum we provided that really tries to at least take

an early stab at responding to some of the questions that came up earlier this week at your work session. There were two items in there. One had to do with the affordable housing trust fund. There was a question that came up about the policy that the city has of diverting 60% -- excuse me, 40% of the incremental tax revenue from city-owned land in the downtown to the affordable housing trust fund. There is in that -- in what I put on the dais tonight a spread sheet that shows the annual contributions of those properties to the affordable housing trust fund. And then the other thing that is -- that we provided on the dais tonight is a spread sheet about the density bonus program and some questions came up the other day about let's -- in the nature of can you tell us more about the cases that have gone through cure in the last few years. This spread sheet only takes a look at just a few of those. But it gives you a sense of what the cases were, what their base entitlements were, how many square feet that that actually translate into. Since only a couple days have gone by since that work session, what we propose to do is flesh out this spread sheet in greater detail including the two additional items which was, for example, for projects gone through cure since the count -- the interim downtown density bonus was put in place, what would be the affordable housing benefits that they would -- that those projects would have county if contributed. We'll get that to you.

And we can put it on there.

I think that would be great.

We would like to get it in a sort of fleshed out state and sort of cross check it before we put it out there but we will do that.

And then one other mechanical question. In terms of the different separate actions that we may take on this plan, you mentioned that developing the density bonus plan and the zoning and rezoning and the type and all of that kind of stuff. What kind of time frame are we looking at? Is that going to take us, what, 6 months, a year?

Truth be told, I think -- though I wish it were otherwise, that's probably a reasonable estimate. I know Greg in the prior zoning case gave an estimate of that and I think he was on the money that it may take six months or more, maybe even sometimes fairly simple code amendments that don't sort of touch on hot nerves and things like that, may take close to that long. This one, for example, a set of code amendments that put in place the proposed density bonus program, we acknowledge that we want to hear from people in the creation of that, and so it's not as if -- even if you told me to tonight, I can sit down tomorrow and write that to you and submit it to the codes and ordinances committee, the planning commission. We know we need to go out, meet with people, talk about it, flesh out some of the ideas. We tried to provide a concrete framework in those things in the downtown plan document but nobody is surprised, by the same token. Truth be told, it probably is a six month to more process for that.

I appreciate that. You know, I of course have my own interest in moving forward. I think it's going to be good for the city to get this density bonus program in place but the other items for council action that you one, 2, 3, 4, 5, those are all independent actions if I am understanding correctly. So we could move forward with one of those actions but not necessarily another?

That's correct.

In the meantime.

Because I know that some of what I have heard from my colleagues when we were talking about wanting to delay it at all might be for one reason but not another, so I think that would be good for us to take that all into account and see how we can move forward as expeditiously as possible on different items.

Sorry. Obviously certain things are sequential, the rezoning we created are predicated first on the creation of the zoning districts we would be proposing to rezone people to new category like dm40 and dm360 so they are similar and you want to proceed along the same track but not necessarily like a setments that would put together, say, for instance, a density bonus program.

And for instance they don't need to be on the same track as number 5 which is the district the city manager for a detailed plan for a central city economic development corporation? That's correct.

Morrison: Another one i see completely independent, number 4, which is direct the city manager to include implementation projects, identified in the downtown plan for the capitol project? That's correct.

Morrison: Thank you. I think it is good we look at all of those separately and I think we canove forward.

Cole: May I ask a couple of questions along the same line? mayor pro tem.

Cole: Thank you. I know you have been working on these a long time but one thing we are trying to do, as I said with the plans and with the comprehensive plan, is to make it clear with the public that it's not just a plan, but that it's something that is really going to happe one of the reasons, i believe, you had focused on the implementation strategy and we recognize that will take a little bit more time, but it was my intention to hear the speakers tonight and I just -- -- get that information and bring it back for council approval and perhaps we can consider the items separately on november 6th. And I wanted to get -- november the third and i wanted to get your thoughts about that.

I guess it's possible. Speaking personally from me, I am ripe for adoption.

Cole: Okay.

But, no -- that's -- that's me speaking. Not literally, I suppose. [Laughter]

Cole: Okay.

But, we can, as council member morrison pointed out, we could theoretically -- the council could take separate action on directing the city manager from proceeding immediately with one set of directions we recommended and a different schedule for a different set of things. We believe that the downtown plan, in some reasonable time frame is ready for adoption. We are eager to begin that work and -- but notwithstanding that, i think, what you have talked about is totally feasible and does not -- is n any -- does not undermine the credibility of the plan.

Cole: Thank you.

Mayor leffingwell: toho? Other questions for staff? We can go to our speakers. Council member morrison.

Morrison: I am not sure if our legal staff is prepared to discuss this, but one of the questions i had on tuesday had to do with potential -- a proposal that we had seen from staff about cure, that it might actually involve some -- some submissions by -- of an applicant of pro forma or financial information and my question was, how does that all fit in with what is allowed in zoning and is that an approach that we are actually going to be able to consider?

I have somebody with a bar license in the backs who standing behind me.

Chad from the law department, I could make jim to answer for the fun of it. [Laughter] sorry. At this point

we have a conceptual idea of what you are talking about so i hesitate to get too specific. I would say that if we are talking about the financial aspects of a particular project, well, I would argue that perhaps in your minds whenever you are doing zoning and those sort of legislative decisions, you might be doing that anyway, and -- excuse me, I don't think there is a problem in looking at a project's financial aspects. I think we would start to run into are problems if we started to look at the financial circumstances of a particular applicant because then we might be talking about treating one applicant somewhat differently than we would another while looking at the same project. So if there is a way -- and again, since I don't know exactly we are talking about at this point -- if there is a way to isolate the project, I think it's possible and we would be wanting to look at that and analyze it further. If we are talking about analyzing applicant's financial situation, i wouldn't recommend that.

Morrison: I guess one of the things that has me pondering this a little bit is the fact that when we are looking at zoning, we are zoning the land. It is an entitlement. It is not about a project. When we are looking at a project, we are looking at a site plan.

Right.

Morrison: And how does that really jive with a sort of rational approach to -- we need a program, right?

Yes, absolutely, especially when we talk about affordable housing which we talk about all the time.

Morrison: Right. So how is it rational and logical to base a zoning program on a project when you are really looking at zoning?

And I understand your question and I would say and the vast majority of them in cases, we are not. We are looking at sort of a higher level. We are looking at a piece of property. We are looking what surrounds it and larging planning ideas and saying this is appropriate or not. We get into a little -- a little different situation when we get into things like pods or cure projects that are fleshed out and we do tend to start talking a little bit about projects, but I think from a very fundamental standpoint, you are absolutely right. When we are talking about zoning, we should be talking about these higher planning concepts and perhaps looking at projects is not -- would not be the most advisable way to go and present some complications that I think we will still have to work through if we pursue that.

Morrison: Just in response to that, because i think that when we look at zoning but we are really thinking out about a project as much as possible, we try to put the constraints of the project into the zoning ordinance. So I think that's something that, if, in fact, cure remains, which frankly at this point I hope it doesn't, but we are going to hear about that, I think we have come real complications.

And I would agree. I think -- again, I keep emphasizing this is very conceptual and without seeing an actual proposal, it is hard to analyze but i agree this is an extremely challenging issue to tackle and organize in this type of situation in a way we would be comfortable with as well.

Morrison: Thank you.

I have a couple of specific questions on this for our legal team who just sat down. Sorry.

As a followup I am looking at the conceptual plan that was presented to the planning commission and let me read it and if i understand what you just said -- maybe you can help me understand what is described here, it fits into what you just said. In order to make the required showing under the amended cure allegations the applicant would be presented information along the lines of following. Project based density is x, project seats additional density of sum multiple of x, the certain density bonus provides certain incremental value for the project. Explain. It allows the project to fulfill some but not all were required of the project were to proceed purely administrative root. Clearly administrative staff does not

require that you have full blown and high detailed pro forma to demonstrate the showing but some level of financial documentation would be required in order to identify the requested secured zoning and it goes on from there. And so if I understand what you are saying, is this a plan that will be tricky in light of the comments you just made?

I would agree that tricky is a technical term the.

A technical term?

It is all tricky. I think it's going to take -- it would take, if you chose to go forward with that quite a bit of continued discussion with staff and with planning commission and others and particularly staff and legal to find that -- to work the designation criteria out in a way that still resembles zoning which is what this is and admittedly this is something new and we still have work to do on it.

Tovo. thanks.

I would comment that we tackled similar problem with the pud ordinance and it was successful, soably it could be done.

Mayor, if I could that is something we keep falling back on every time we talk about the complexity, we think we did it with pud. We can do it here.

May I ask a follow up question. The pud ordinance does not allow you to opt out of affordable housing benefits based on a justification that is not financially feasible so we don't have developers coming forward saying they can't comply to the affordable housing provision because it is not financially feasible for fair project because it will cost x amount compared to their increamal increase in value? I mean that's not part of the --

my recollection is that you are absolutely right. And I am sure somebody will jump up if that the wrong because that is a complicated part of the code. But we do have what I call a voluntary program and a lot of work went into that, that satisfies state law which you all know says this we can't set maximum housing prices without a voluntary program. A voluntary program is in place in pud and I -- my recollection is that it does have to be followed. .. Excuse me. and my point was exactly, precisely about affordable housing, per se. It is about the general process of making agreements and other benefits that would otherwise be labeled contract zoning under zoning law.

In exchange for getting additional height through far, that would be part of that, the affordable housing would fall under that, guernsey, for the third tier under the pud ordinance. That's what chad was talking about.

It is another density. It is another bonus.

Right.

Above and the pud ordinance. But as you ask for more far height that kicks in.

But it doesn't include providing a financial argument that it is not feasible?

No, it does not.

Tovo: thanks. more questions? If not, we can go to our speakers. Angela hovis. Signed up neutral.

Donating time is chris clayton. Chris here? You have six minutes.

I am here to speak for the rainy neighbors association and also the malago board of directors. We are representing over 856 residents. We have been in support of the downtown austin plan especially for the rainy street district. We were looking forward to 84, change cocktail lounge from permitted to conditional use, and then we were disappointed to learn of an amendment that was posted on august 25 that eliminated this item. Especially for the rainy street district, we don't see how the new wording in the suggested amendment has any real hope of preventing the rainy district from further redevelopment of cocktail lounges. Our concern is that we are never going to be able to achieve mixed use anywhere in the near future. As you know, rainy street is a small short street that's very narrow, currently we have five cocktail lounges within a one block area. Seven more are on the way in the same one block area. We already have a lot of difficulty from happy hour on navigating the streets and, again, we don't see anywhere in the near future mixed use being a dream of ours and the downtown optimal plan for the rainy district unless we get some help, unless we have a tool. And we see conditional use as our most valid tool, especially after reading rosenblat's article the other day who talked about how helpful this tool was in denying and for them to be able to deny a permit for a bar in the east austin neighborhoods, one that was very near i-35. The article reported that cocktail lounges can have a particularly troublesome effect in regarding -- regarding maintaining a healthy mix of uses on the street. We certainly agree with that. The article goes on to say that another council member pointed out that the zoning structures of this clause of the district gave the official it is opportunity to ensure that the east sixth street area is developed in a way that prevents it from becoming another rainy street. Rainy street residents wish we could have the powerful tools of conditional use. We still have several vacant lots and around 21 houses that have not yet converted to bars. In addition, those of us that have moved into the rainy street district, malago, in particular, which was developed in the years 2005 and 2006, we constantly read things about the plans for downtown austin. There was a downtown commission report december of 2003, rainy street recommendations for actions that had careful redevelopment and mixed use featuring small scale shops and offices combined with residential living a sizable residential population would help support ground level retail which would make the area a more attractive destination for visitors. Then in the downtown austin plan for the rainy street district in particular, the very first goal says allow for the orderly transition from the district from a single family enclave to a high density mixed use neighborhood. Two of the downtown austin design urban priorities say encourage the residential uses that can complement the existing neighborhood character and limit the number of cocktail uses. In a city sponsored meeting for rainy that was held in february, 11, person -- 2011, person after person had postal it notes saying we need help controlling the number of cocktail lounge uses. At that time there were four cocktail lounges and as i mentioned, soon there will be 12. We don't understand why you would have goals and priorities without a tool to make them reachable. Rainey needs special and immediate help and we mean immediate. We know development is not going in the direction envisioned. If you do not vote for all of central business district to have cocktail lounge as a condition on you, please create a special overlay for rainey district. If we want to encourage downtown living, we need to make it livable. Thank you. Any questions?

Mayor leffingwell: Ms. morrison. Ms. morrison.

Morrison: I have a brief question for staff. I want to have the brief discussion about cocktail lounge being a conditional use or not? Was it in the plan originally and then at some point it came out?

I did submit two letters, one which was put in your mailboxes on tuesday and another one which you are receiving today. Also, there is one other thing I forgot to mention, we were heartened when we did read an august 9 planning commission report where they unanimously submitted an item for consideration during implementation of the downtown austin plan and that said, that the problems with cocktail lounge use is available in all of the cbd seems to come more from the rainey street area. Consider making cocktail lounge a conditional use in the rainey. This is in the august 9th proposal to the commission.

Yes, council member morrison, the november 2010 draft community review of the downtown austin plan

did contain a recommendation that cocktail lounges be made a conditional use in cbd zoning. But the -- there is now -- and there is a set of staff recommended amendments and this is actually an amendment that was included in the package we believe to the planning commission back in april. This is not like cure, one of the more recent --

not like pulling it out of the hat for the last minute.

This one has been around for about six months now and the -- we stand by our -- our expression of a concern over the ill effects of the overconcentration of cocktail lounges. We stand by our commitment to serving out workable strategies to deal with the ill effects. What we did change, though, is the recommendation that, per se, making cocktail lounges of conditional use was the way to go. We actually have had a number of meetings, for example, I will be candid. We -- I came and presented the downtown austin plan. One of the stakeholder groups I spoke to with the east sixth street association, sixth street austin and there were a lot of the members of that group who understand we were extraordinarily concerned so there has been -- there is feedback on -- we have received input from stakeholders on both sides of the issue. So to summarize, we believe we do stand by our impression that it is a concern and there are ill effects of an overconcentration, but we backed off on suggesting that conditional use is the only thing we should look at. We propose now to take a closer look at a broad strategy. Not taking conditional use off the table but perhaps among array of alternatives that should be looked at.

Morrison: I guess I have two questions. One, does the planning commission actually recommend it, making it a conditional use in april? Is that what I heard?

When the planning commission took action on the downtown austin plan, the approach they took was not to sort of splice it and dice it and say we support this. We don't support that and so forth. They approved the plan and recommend to council that it be adopted. They did -- and they subsequently held meetings and I believe have produced a document that says, okay, in the implementation of the plan, we believe these -- this direction should be taken through the implementation. Standing here right now, i can't remember whether they have specifically spoken to the cocktail -- excuse me, the conditional use on cocktail lounges. I would have to dig into my collection of materials to look and see what exactly, if anything, they said about that.

Morrison: So I guess i have a little confusion about what we are actually considering. Did the -- are we considering the planning commission's recommended downtown austin plan? Or are you saying that they recommended -- the staff recommendation and then just had some side comments that were not part of what we are considering?

We are putting before you for your consideration the downtown austin plan with this list of staff recommended amendments. And as I said, we specifically separated there is a preapril 26 list and post april 26 list and we want to be very clear as to the recommendation of the staff amendments that were before if planning commission and that they acted favorably on. They had those before them and approved the downtown plan and recommended its adoption. So anything that is in the preapril 26 list is something that the planning commission acted favorably on in recommending adoption.

Morrison: I guess I am confused I know they recommended unanimously recently that cure not be included in the downtown plan. And so since the planning commission is supposed to recommend to us the comprehensive plan and this is an amendment to the comprehensive plan, I am confused why we are not considering what we don't have before us for consideration, is the planning commission's recommendation.

I don't want to repeat myself --

august 9th the document?

Morrison: Generally we have the commission's recommendation on the zoning and the planning documents and in fact we had a conversation recently that it's the planning commission's charter required authority to recommend to the council comprehensive plans and this is part of the comprehensive plan, so maybe it's just a technicality, but I don't know why we don't have the planning commission's recommendation in front of us for consideration.

What you have, anything that is on the preapril 26 list was accused on favorably by the planning commission on their approval of the downtown plan.

Morrison: Right but then there were subsequent actions, too and that's why I think --

one of the key ones with cure, of course, is we went back to them to present that to them and you have backup -- in your backup, a summary of that attached.

Morrison: Right. But what is in front of us should be -- but we are considering, as noticed should be the planning commission's recommendation? But that's for you all to work out. I think we know where the issues lie.

Cole: Mayor, I have a quick question on -- mayor pro tem.

Cole: Jim, while we were on the cocktail lounge issue and I think in the august 25th staff update, the language was something to the effect you were going to explore ways to mitigate the impact of cocktail lounges, especially in the rainy street area and I heard the lady from the rainy street area talk about that problem and I guess I am wondering what specifically has been recommended other than a conditional use -- what other tools do we have? I haven't heard anybody say.

Well, the first thing, i think and we perceived feedback for this, that there is room for improvement just within our existing regulatory framework on compliance with existing regulations, whether it is point of sale or public order issues and things like that, so one of the initial strategies, to look at what can we do without having to change anything, with our existing regulatory framework. Because we received some feedback that there is room for improvement and that some of the ills might be addressed simply by that. There are other things. For example, you can change security and staffing requirements. That would require a change. In other words, that would be a code amendment or something like that but it wouldn't go so far as to compel cocktail lounges to be evaluated as a conditional use. Those are a couple of strategy short of conditional use strategy that could potentially get us part or all to where we as a community want to be on this.

Cole: So you have amendments that potentially do those things?

Yes.

Cole: In the --

that's our recommendation -- it is number 8 in the list of staff-recommended amendments. It's specifically recommends further work on this including looking at an array of tools such as -- and the two that I just gave you are drawn from that list.

Cole: Okay. Okay. I have a lot of stuff here. Thank you.

I know.

Mayor Jefferingwell: Council member Spelman. We have 21 speakers to make.

I am trying to save time here.

[Applause]

Spelman: You have a long list of exhibits and some are 10 or 20-megabytes and it takes a while to pull them up one by one. Can you tell us which exhibit in that backup is the list you are referring to? If you can find out, it will be good. Thank you.

If you want to continue, I will be happy to --

may I add. next speaker Frances Ferguson. Also signed up Neutral.

Good evening. Thanks for the opportunity to speak. I am here on behalf of housing works. We support the downtown plan to support a thriving downtown. We would like to point out, of course that, the workforce in downtown based on recent data of 2010 in 78701, 33,400 jobs plus in downtown. Some of you may have seen some numbers. There was a brief -- a small mistake, at 45% of the downtown workers earn less than \$20 an hour. About half of those earn less than \$13 an hour. So to be a sustainable community, we've got to provide a wide range of housing downtown or near downtown so that people aren't having to come in from long distances just to work downtown, especially as we grow. Furthermore, funding for affordable housing which we have counted on federal government for is going to be under pressure because of the federal budget so we worked over the last several years, as you know, Urban Land Institute Reka and Arrow with a report of wide variety of strategies, one of them is what to do about density. In that I handed out a whole report about a month ago and there is language, which I will not read, but language. The intent behind the language was to reverse the reality that cure has not resulted in affordability. Therefore we recommend that the council direct staff to work with stakeholders including people such as those that worked on the report, to develop detailed language to make this intent the new reality that affordable housing, not that -- affordable housing be delivered through cure if cure is to be retained. Secondly, we would like to see that the density bonus as recommended in this report, it is our understanding that this report was used quite -- a lot to influence the staff's recommendations around cure. However, the recommendation that was in the report that the fee in lieu of density bonus applied to all kinds of buildings, commercial buildings and housing be put into the recommendations as well. Finally, when you do get around to central city economic development corporation, which we do support, that it be understood that workforce housing ranges from 30% of mmi, up to 20%, that while perhaps this entity wouldn't be solely working to create low income housing, it would include in its mission the inclusion of that so if an opportunity came forward to include it, that its mission did not exclude it. That's my basic comments for this evening. Thank you very much. Thank you. Jason Nerr. Also signed up neutral.

I am here -- I represent Systry Courtyard, -- my family owns and operates the courtyard in the area for the last 15 years and I am here to just state that I am neutral because -- I don't want to make a statement about the broad plan but specifically as language and verbiage relates to the warehouse district, we are against any -- any designation of historical zoning or any restrictions placed on the property. Our concern is that we will be facing a situation where we will be at a competitive disadvantage to other bars and restaurants, and we want to see the warehouse district be successful and survive and it's done very well, but in our industry, there is a lot of competition and we have seen a lot of growth of concepts outside of downtown and so if we are at a competitive disadvantage, that is a trend that is of great concern to us so we would be against any language that would restrict potential growth in the warehouse district. That's it. Thank you.

Questions? next speaker is robert clemen. Robert clemen is signed up neutral.

Good evening, mayor, council, my name is robert. I am here on behalf of a group that is part of the development rights at the corner of fifth and colorado. This is attractive site, more than quarter of a block and a type of site that the plan describes the development opportunity site. But it's also a site that's within the proposed warehouse historic district and this is one of those locations that has a conflict between the goals and the plan. Understanding that we are not here -- I am not here tonight to for any specific change of the plan, I think it is time for the plan to go forward, it is really a place holder statement. There is our recommendation specifically -- historic 1, in the second bullet under historic 2, in design and density recommendation 1 that tend to conflict with the development opportunity sites, and so we are just -- I am just here tonight to say we recognize that. We will work with y'all as we go through the implementation ordinances to try and see if we can't figure out a way to accomplish both goals. Thank you. thank you. Jewel sherr. You well sherr is signed up for -- you have three minutes. --

mayor, mayor pro tem and council members, good evening, I am joel chair of downtown autosomal lines, an organization of downtown property owners whose mission is to preserve and enhance the value and vitality of downtown. The daa support it is downtown austin plan because we believe that building a dense, vibrant downtown is good for the whole the downtown tax base is a permanent source of revenue that provides services, both inside and outside of our neighborhood. Additionally, the plan also calls for place making opportunities that will enhance the character of the heart of our community. However, we do have one issue that we believe is significant enough to ask before adoption of the plan. We do not agree with the core warehouse -- that the core warehouse district should have another 45-foot height limit imposed for a number of reasons. First, current zoning of cbd with 8-1far and no height limit so we consider the proposed 45-foot height limit to be a taking of property rights. Two, there is not enough certainty for the transfer of development rights proposal to be considered adequate compensation. No market for tdr today and there may never be. And lastly, there are already are legitimate ways to retain the character of the warehouse district. Owner cans apply for historic landmark status or create ha local historic district. On another issue, we urge you to support the staff proposal that cure should be retained as a method to achieve additional height and density with the new requirement that applicants demonstrate to what extent they have complied the density bonus provision. This language is in line with the 2010 report called building and retaining an affordable austin that was a collaboration between uli austin, housing works, reka and arrow. The planning commission and city council should have authority to approve projects that are beneficial to the city but don't happen to fit the mold of the density bonus program. Since the density bonus program will also be recalibrated before it is adopted as code, we hope it will become attractive method to encourage density but hope not inadvertently encouraging probabilities to build far of 8-1 to build the long reserved space. We believe this plan allows the project to choose the while providing a safety valve for those not available to the full extent of the provision. Again, we support the majority of the principles of the downtown austin plan. We appreciate the city funded -- we appreciate that the city fund planned that will provide a blueprint for growth over the next 10-20 years. We join the community in the public process that created the plan and would like to compliment the excellent staffing and consulting teams with the work. And look forward to partnering with city of austin on its implementation. Thank you.

[Buzzer sounds] thank you. I have a quick question and this could be a quick question for the attorney, too, chad. Just you mentioned the 45-foot height limit position in the warehouse district which currently has a zoning that permits more height and more far. Would that be considered a down zoning, with the downtown plan with height limit? Would that be considered down zoning, like more currently more entitlement than proposed?

Yes, if reducing the height. down zoning, is it not the case -- maybe I am wrong about that -- isn't the case of property owner opposition, that would require a supermajority?

I am not sure -- no, i don't think it requires a supermajority. Is it a matter of your zoning power, you can reduce that height. It is not a problem there. Maybe I am misunderstanding. as long as we don't change

the zoning category? Is that what you are saying?

You can check the category and change the height. There is no doubt you have that ability. I hope I up your question, because I came in a .. i will check on it later. I just and concerned ability zoning aspect of it.

We can discuss that further and get more information if you need it.

Mayor Jeffingwell: Council member Tovo. I have a couple of questions for you. You talked about the city's perspective on cure and you referenced the housing report. I wonder if you were also supportive of the housing work's recommendation that the density apply to commercial properties as well as residential?

No, we are not supportive of that provision. so you support flexibility within cure -- would mind capturing for me what your organization --

well, we are supporting the staff recommendation for cure, which allow -- allow the -- if your -- I believe a multi-family or residential type property that you want to try to comply with the spirit of the ordinance but if you are unable to for some mitigating reasons that you have the opportunity to take it through cure if there is other beneficial reasons to build that project. we had a vigorous discussion about this in a few different sessions and we are up against some challenges, it sounds like, in terms of how this will be documented. How would you -- how would somebody comply if not through the density bonus program?

Well, there is other public benefits beyond just a payment to the city for additional density. how would they comply with affordable housing -- has the city contemplated solutions to how are we going to work with affordable housing cure the if we opt out of affordable housing of cure?

There is ways to make it incentive program. You look at San Antonio down the road where they offer 10-20 year tax abatements for infill housing. That's just one of many ways that can be done but there is other alternatives that i think should be looked at.

Tovo: okay. Thanks.

Cole: I have a quick question, mayor. pro tem cole.

Cole: I noticed in the appendix something that i was shocked to learn and that was that in only 57% of the development that were granted additional far, that they actually used it. And that in recent developments that receive entitlement, only 77% of those used the far. So while we spend in time and energy arguing about the entitlements, it looks like they really are not being used and do you have any thoughts of why that is? Or a good percentage of them are not being used.

A lot of those entitlements apply to office buildings, and due to current parking needs and to remain competitive with parking needs on parking, you can only build so much parking before your tenants stop wanting to drive up any higher and to go down is just so expensive, at some point the parking drive is the side of your property.

Cole: Thank you. I had no idea, because we want the density downtown and we are trying to get it and looking for the sweet spot but I never thought that parking is a major investment. Thank you.

Thank you.

Mayor Jeffingwell: Stewart Hersh signed up for. You have three minutes, sir. You could have used that

one.

I couldn't get to the clerk that way.

I couldn't get to the clerk that way. Thank you, mayor, members of the council. My name is Stewart Hersch and like most in Austin, I rent. I support adoption of the downtown plan with the direction that the affordable housing goals downtown and in neighborhoods close to downtown should reflect the income spectrum of the downtown workforce. I want to see a denser downtown and plan adoption with appropriate code amendments can help us achieve this goal. Now, I am going to say something that is going to anger most of my regular friends. If you rely exclusively on the proposed downtown density bonus program or the community development commission recommendations, you could end up helping no person or family who earns less than \$40,000 per year. I know that these are not the people you want to exclude from affordable housing. I provided you tonight an attachment that -- of city and state published income levels and rents that show you why this would be true if you adopted the density bonus program in its current form. People who earn less than \$40,000 a year need housing either downtown or in neighborhoods close to downtown along transit routes and bus stops. Please do not leave them behind. A few weeks ago, as part of your August 25th, 2011 public hearing backup, which you postponed, you finally receive staff response to the planning commission May 25, 2010 memo on recommendations, it was exhibit I in your backup and I think the same one tonight and it was dated August 18, 2011, which means it took 15 months to respond to stakeholders and planning commission recommendations from last year as subscribe for the stakeholder group that we all did this voluntarily and we spent weeks on this, I can tell you that this lack of timely response is unacceptable and undermines support for the plan in its current condition. Please incorporate planning commission recommendations in the downtown plan. It is what should be before you tonight, so that the code implementation phase might result in some truly affordable rental opportunities for the poorest among us who often rely on public transportation and neighborhoods close to downtown so they can afford to live in safe housing. I really hope that what ends up before you is the planning commission recommendation so that you can deliberate that the same way they did. Thank you very much for all the time you have given us on this.

Spelman: Mayor.

Mayor Jeffingwell: Council member Spelman has a question.

Spelman: Hersch you wisely used exactly 3 minutes. I am going to ask you to use one more and no more. You led yours up to the I provided you an attachment to show why this would be true. I want can you give us one minute verbal description of showing us how this attachment shows us this would be true.

The goals as I understand it on the density bonus program under discussion are 80% MMI rental and 100% homeownership and the 80% on MMI on the yellow part of the sheet, it is \$40,000.

Spelman: That is a large percentage of people who work downtown who would not qualify for 80%?

Who you never serve and still considered successful under definition of affordable housing and the currently adopted density bonus program and the one being proposed and that's wrong.

Spelman: I see your point. Thanks.

Thanks.

Mayor Jeffingwell: Council member Riley.

Riley: Yes, sir. Is it your view that the planning commission's recommendations would enable us to reach down to lower leffingwells of affordability?

Yes their implementation recommendations will get us to where we need to go, that is my belief, yes, sir.

If we don't take the time to find that, do you have highlights of exactly what the mechanism is, where it would allow us to achieve that?

What they said in their recommendation is that when we have our code implementation discussion, we should include entire spectrum of the workforce, not just the 8120 where we are locked in right now.

I understand the goal of affordable housing population, the question is how do you see -- how do you see us getting there?

I think there is a mechanism to do that. I work on projects within two miles of downtown on public transportation routes on new construction for \$350 a month and there are ways to get there and multiple tools to use but we were never allowed to have that conversation as part of the stakeholder process.

Riley: Do you see the density bonus program as recommended by the planning commission providing a mechanism for funding those sorts of units?

A combination of increased entitlements plus funding, those two together, can get us to where we need to be.

Riley: Plus funding?

Plus funding. There is already a discussion in the downtown plan about investing to achieve the goals of the downtown plan. So you begin combining that funding piece with the increased entitlement piece relating to housing affordability, there is a way to get from here to here.

Riley: You are talking funding of the important? Public subsidies that are coupled with the payments made under the density bonus program?

Yes, sir.

Riley: In order to reach down to lower levels of affordability? And you believe that we should be able to use to the extent that density bonus, the fees and lieus, that that along with public subsidies should be used to support the program not just downtown but along the transit routes and around downtown?

Yes.

Mayor leffingwell: Council member tovo, one more.

Not from mr. hersh. It is a question for mr. robertson. In the memo for august 15 has that has the planning commission recommendation. Are these the recommendation that came out of the working group process? The stakeholder group process? Were these voted on by the commission?

Yes. This was forward -- yes. I believe the planning commission -- somebody correct me if I am wrong. The charge from council was to -- was to direct planning commission to conduct the series of meetings and the direction was that once this working group completed its work, it would make a set of recommendations and then the planning commission would, in essence, I think act on those and

forward them to council. So the planning commission sent council a memo on may 25, 2010, and forwarding the recommendations of the working group. So what you have in front of you is an item by item recitation of those recommendations with staff comments or responses on them. were the responses made -- I guess it has been so long that I am going to have to go through the chronology of this a little bit and maybe we can talk about it at the next meeting. But when were the staff responses made available to the planning commission?

They were made available -- well, in conjunction with the review of the downtown austin plan this spring by the planning commission, we gave them our responses -- yes. Now we didn't send a memo to council because our thinking, at the same time -- was our thinking was there had been a lot of sediment when we brought the density bonus to council for possible action in january 2010, there had been a lot of discussion of why are you isolating this particular work product of the downtown plan from the balance of the downtown plan, so our decision at that time was we will bring the -- excuse me, the density bonus program back to council so that it can be evaluated in light of the entire downtown plan. Which is what we have done, so in that context we provide you with this since the density bonus program is now before you for your consideration. But the planning commission saw these responses back this spring when they were looking at when both their subcommittee -- I believe it was the neighborhood planning subcommittee and then the planning commission as a whole evaluated the downtown plan.

Did they, in their vote to recommend the downtown plan, last spring, did they reaffirm these, or did they single some out for --

I don't believe their action on april 26 specifically referenced these. I didn't think so, either, based on my review of that. Thanks.

While I am up here could, council member spelman in sort through the various attachments, the staff-recommended amendments are exhibit f in the backup. gary mitchell. Donating tame sarah andre. Sarah here? Sarah andre is not here. Mandy domayo. Okay. So you have up to 6 minutes. Thank you.

Thank you, my name is terry mitchell. I am as a member of housing works and also as a member of reka and I want to thank you for your work on the downtown plan and thank pat for all of the work on the I want to paint a picture from the perspective that I -- at least I am looking at this project. Recently you saw the chamber put together origination destination studies about transportation. According to their data, it showed that 78701 had 117,000 jobs and that the four zip codes comprising downtown are or urban area which are 787 05, 78704, 78701 had \$90,000 and over 95,000 of those live outside that zip code and work in zip code. It tells me two things. It tells me, one, we have very little reasonably housed pricing in our urban core and secondly explains why we have a density transportation program because we have people driving to and from every day our four central zip codes so if you look at your own statistics our metropolitan area is supposed to grow 586,000 people over the next ten years. The downtown four urban zip codes comprise 30% of all of the jobs in our metro area, a wonderful asset to our city, our tax base is centrally located and a very strong urban vibrant core. If we plain that I know same ratios, growing 586,000 people we will add downtown to those roughly 60-70,000 jobs the next ten years which means if we don't provide affordable housing or address that, we put another thousands and thousands of car on the road trying to get downtown. There are other issues, transportation, and all of that but this issue is not getting less is my point but getting much bet greater. I was part of the housing works group going through the plan and one point we want to make is there were lots of discussion at the very end of -- a lot of folks wanted to get rid of cure because it has not resulted in additional affordable housing and at the same time reka was very strong and we understood that that sometimes cure is the way you get around issues that couldn't bed a dreaded otherwise and we understand density is important to our urban core so the language in our report simply said that we are leaving cure in as acceptable but please do not use it as an indiscriminate way to get around affordable housing. In other words, don't make it a pass, if you will, to automatically get it away from affordable housing obligations. This problem will get bigger. So it is something that needs to become a

priority for all of uses whether we figure out an acceptable density bonus or ways to do it or affordable housing bonds, whatever it may be. It should be a top of mine because it affects transportation and affects our urban core. Thank you very much.

if we can figure out how to keep them in our urban core, we solve transportation problems at the same time or at least make it less. So I'd be willing to figure out how to do that, but off the top of my head I wish I had a magic ball that would tell me oh, this works great. I don't.

Morrison: I would be interested if you had some idea developed. And my second question is you said that the idea was to keep cure from -- just some very special situations. Are those situations that you're thinking about financial or are they more development constraints so you need to step back and that needs to be waived or because you have a small lot or something like that?

I don't think we discussed it in one category or another nrks that regard. It talked about it may be a use that's to critical to our downtown that we say we want you here because it spawns another things. It could be a site that is very difficult. So that you allow cure to help overcome that and keep that use downtown that we consider essential. I don't think I have a specific answer. It just -- what we had talked about is that you couldn't walk in and say cure and therefore you didn't have to comply with anything. How can you help us? What can we do and where is that middle ground? I will make one other comment as a developer. If I'm doing a lower density project, if I'm doing five units per acre and I go to 10, I see substantial cost savings. If I go from 10 to 30 units an acre, I will see incredible cost savings. That's all within a relevant range of the type of construction that you're doing. Once you go vertical and I'll use the austinian as an example, we did not use all of our cure zoning because every time we did we kept going deeper in the ground with parking and there was no benefit to getting bigger. Every time we added a unit we added \$80,000 of parking it didn't justify it. So the height you see of that building was the amount of parking that we could fit above ground is how we got there. Kind of backwards, but it was the linear nature of urban projects, more density just means, as my architect explained to me, he said terry, when you're building another floor you're not building the top floor, which is relatively light or whatever, you're building the bottom floor, which is very heavy and expensive.

Morrison: The height only went as high as the next time you added another floor it would be more expensive, more expensive to add the parking than what you could expect to get in profit.

That's correct.

Morrison: Thank you for your input.

One more comment. I would love to do projects that didn't require parking. Our lender would not loan us money without the required parking. You won't be able to sell them. So we couldn't get financing in a lot of situations unless we provided parking even if we necessarily didn't need it.

> Do you see that shifting in a trend at all?

I think so. I did a student housing project in san marcos where we did -- we're about 70 units an acre redeveloping a church right by texas state. We had to build one parking space per bedroom, five floor parking garage and the top three floors are always vacant. They didn't need a car n that situation if I did it again I would try to say we're not going to do so much parking.

Mayor Leffingwell: I have a quick question. You kind of touched on what I think is the crux of the matter. We all support affordable and all of us have worked to find ways to finance affordable housing. But it seems to me what you were touching on was the possibility that at a certain point disincentives to increase density would work to the detriment of affordable housing in various ways, decreasing tax base, disincentive to build, to provide community benefits. I realize it's difficult to find that point, but least

it's an interesting theoretical proposition.

Every building you see downtown, think of it as handmade. And so it's -- because have you to craft it for the site, you have to craft it for the slope. It just gets very, very expensive. You're just building more of the handmade. It's not efficiencies. There can be some, but not a when I look at urban housing, wait that I'm going to be able to bring my price point down is I will have to make it smaller and it will have to live better. But if you go to places like Tokyo it's not uncommon to see a family of four living in 450 square feet. I'm not suggesting that here. Don't say that Terry said we're going to do that. But it's amazing me and the kids sleep in the hallway. The hallway happens to be seven feet wide as opposed to four and it works. But it's because it's a thousand dollars a square foot for the cheapest housing around kind of thing. So we'll have to figure it out. If we could get rid of parking that would save a lot. If we could get the market to accept not needing parking, if that makes any sense.

Mayor Leffingwell: I guess the point is it's very complex. If you tried to use very general rules without considering the details, without providing all the tools that you could possibly provide, it may work against you.

That's correct.

Mayor Leffingwell: Councilmember Tovo.

Tovo: Mitchell, I wanted to thank you for coming down here and also Ferguson, to clarify some of the intent behind the housing works report. And especially some of the considerations and the -- and I hope I'm not putting words in your mouth, but the concern about the way in which the report has to some extent -- well, I would say to a large extent served as kind of a path on downtown density program. If I understood you correctly, that the intent behind those housing works report was to give support to programs that provide, encourage affordable housing. So thank you.

Mayor Leffingwell: Steve Drenner. Not here. Kathy Echols.

I'm Kathy Echols as you know. I serve on the housing works board and generally support the downtown Austin plan despite some limited areas of disagreement. Downtown Austin plan has done a remarkable job of creating a vision for downtown, one that seeks to respect the character of the different districts and communities within downtown and recognizes that housing affordability is important to downtown. I will speak now about my experiences as a member of the affordable housing incentive taskforce, which along with the design commission gave us the interim density bonus requirements. Similar density bonus requirements are also part of the downtown plan. As you know, the general idea is that when the value after property is enhanced by increasing the density that is allowed, a portion of the increased value will go back to the community in the form either of on-site affordable housing or resources for the creation of affordable housing. We on incentive taskforce were very careful to design requirements that would not discourage density. The density related increases in value greatly surpassed the amount of the community benefit. Even within the changed economic circumstances, the fundamental concept is sound. The program hasn't been used, not because it isn't viable, but because developers have had a readily available choice of either providing community benefit when getting increased density or getting the increased density nearly for free. Who would do the former? This plan, downtown Austin plan, needs to include the expectation that community benefits are part of the deal when increased density is awarded. This doesn't preclude creative solutions. If it is difficult for developers to provide the fees up front, they could be paid on closing or when particular occupancy levels are achieved. On another point, the taskforce argued that the affordability requirements should apply to all types of development so that residential development isn't disinvested in favor of commercial developments. If residential development has been more active recently because that's where the market is, it doesn't mean that we should give special treatment to commercial by excluding those developments from any density bonus requirements. To close, downtown affordability will be achieved only with all the available tools, including bonds, TIFs, parking relief, and density bonuses are one important tool that needs to be

protected and that can co-exist with dense development to create a diverse and vibrant downtown. Thanks.

Mayor Leffingwell: Councilmember tovo.

Tovo: Thanks for talking a little bit about your experience on the affordable housing taskforce. I wonder if you could just tell us a little bit more about the composition of that body and how you came to those recommendations and what best practices you looked at, just briefly?

Well, the composition of the body included for-profit and nonprofit developers. It included housing advocates. It included really a range of different kinds of people. In terms of coming up with the recommendations we really looked at the we looked at pro formas and figured out what kind of a density bonus could be feasible given the increases in value that came with the increased density. And we really tried to create when we came up with the 10-dollar fee in lieu, we really tried to create a density bonus that was of the size that would not really adversely impact the value of the increased density. That still meant that the bottom line was a lot better as a result of the increased density east austin with those community benefits paid out than if the developer did not pay -- did not get the dressed density. -- The increased density. In our view those requirements should not have served as deterrent to density. Now, certainly there have been changes in the market since that time, but I think even with those changes it would not be that different. Maybe they would need to be tweaked, maybe we would need to rethink some of the ways the fees are paid, having them paid right up front. Maybe having them paid later or spread out would make it easier for people to get their finance together at the beginning. But I don't think that fundamental equation is really entirely disrupted by the changes in the market. I'm sure that it's not, given what we looked at.

Tovo: As you look at other cities could the \$10 a square foot be on the conservative side as compared to other density programs?

Yeah. I think by and large, it's -- I mean, there's a lot of variation in programs and in some cases it's hard to compare because they're based on different kinds of systems. But when we looked at what was happening in different cities, I don't think we saw many that were less than that.

Tovo: Just to reiterate something you said, the composition of that group included members of the development community and together you came up with a proposal that was calibrated so that it would be a very small fraction of the dollar value of that increase in entitlement?

Yeah. At that time we felt like we could really even set it at a higher level and still had it be beneficial, but we felt that that 10-dollar fee in lieu was something that would be not only still create a strong incentive, but that would be something that people could accept. And so it was partly really -- it was partly the judgment about what people could be supportive of what people on the taskforce would be supportive of as well as a judgment about really maintaining strong incentive to increase density.

Tovo: Thank you.

Mayor Leffingwell: Councilmember riley.

Riley: Kathy, were you looking at the fees in lieu as the exclusive funding source to meet affordable housing needs downtown?

Oh no. No.

Riley: What other revenue streams were you looking at?

I should say that the taskforce was focused on creating incentives so it wasn't really looking at other kinds of -- it wasn't considering bond funds and those kinds of things. So in our report we did talk about the need to bring other kinds of tools to bear to help create affordable housing.

Riley: Did you identify particular tools?

I should have looked back at the report before I came down here. We certainly looked at a variety of different tools. And honestly -- we looked at other tools outside of downtown as well, including some kinds of (indiscernible). We certainly looked at some changes in regulations, but that was more focused on outside. We looked at -- there was discussion about contributing to infrastructure costs. There was -- certainly we talked about fee waivers in the case that developers actually provided the affordable housing and also within that structure there was some fees that would be waived as well for the cases in which on-site affordability was required. So there were on owe there -- there was discussion about a range of different kinds of incentives that could be provided but it wasn't the charge of the committee to look at the full tool box because the focus on specifically on incentives for developers to create affordable housing.

Riley: Were you contemplating that with regard to that the meeting -- the goals for affordable housing associated with many different projects, were you contemplating that the funds from the fee in lieu would be coupe coupled with funds from other sources or do you think that the -- that the incentives really need to be geared just towards looking to a particular developer of a project to meet certain requirements for affordable housing? That was the only focus?

I think it certainly is consistent with the spirit of that plan. That those fees in lieu could be coupled with other sources of funds to potentially buy a site and provide affordable housing or redevelop a site and provide affordable housing.

Riley: That was really outside the scope of your work.

Mayor Leffingwell: All the speakers are signed up for against. Clay defoe, three minutes. I will ask you to stick to the subject material.

Thank you, mr. mayor. Thank you, council. Before I begin I would like to process it by giving a shout out to councilmember spelman, councilmember martinez. Thanks for meeting with me. I think when we work together, when we listen to citizens, to real concerns and actually meet with them, we make a heck of a lot of progress.

Mayor Leffingwell: defoe --

let's go to the week district.

Mayor Leffingwell: I shut off your mic because i asked you to stick to the subject.

I was thanking them quickly. I am on topic here. I instruct you to vote no. We don't need the downtown austin plan. Waller creek district. I've read about your waller creek stabilization project. And what you guys are doing with the tunnel project, trying to drastically change waterloo park. I read an article that said waterloo park will be closed until the year 2014 once they get the fencing up this fall and workunder way on that. It's a big mistake. I've had some amazing times in waterloo park. It's an amazing community park. It was the location of the first, one of the first disc golf courses in the state of texas. And it's an historical error which I feel is going to be destroyed by this downtown austin plan! Another creek I want to talk about that's essential to austin's environment is called shoal creek. I hope you've heard of it. It's on the westside. I have been the sole leading environmentalist here speaking to you on shoal creek. That's right. If you've been listening to some of the things I've been saying, we had the

shoal creek project downtown for international bank of commerce, which I opposed. Which is preparing the way i guess for the city library, had to get shoal creek out and then the project at the last meeting, 39th and jefferson, this is all part of it. Now, this downtown is the lower shoal creek district. I see a fancy picture here. It looks like a bunch of corporate plans. I would have a lot more time to nail you guys with a lot more facts, but it's hard to ever tell what I'm going to be able to speak on. So I basically instruct you to vote no. I've heard another article in the statesman which talked about actually tearing up -- thank you. Actually tearing up the sidewalks on sixth street. Now, I'm not sure how would those are, but those are some pretty heavy duty sidewalks. They are much nicer than what you would see in some austin neighborhoods. They are 100 years old and had so many fame yows people walk them, willie nelson, janis joplin, barbara jordan, famous figures. I think it will be a shame when you extend the sidewalk and close down traffic on sixth street through the night and have you drunk people or whoever it may be, revelers out there almost running into the street because this is what I've read is part of the downtown austin plan. I oppose it. I do not want the sixth street sidewalks torn up and then given more walking room, but only to be told we cannot walk on the street on weekends during -- [buzzer sounds] sorry to be on scatter brained with this, but i honestly --

Mayor Leffingwell: Anne teach.

Good evening, mayor and councilmembers. My name is anne tiesch. I appreciate being here. I signed up against the proposed ordinance primarily because of the cure zoning issue. I am generally in favor of the downtown austin plan. But I do have some reservations about the cure zoning. I'm going to give a little bit of different perspective on that issue in that I'm connected to two nonprofits that provide assistance to the homeless. And I belong to a coalition that works heavily with the homeless. And so I see the use of the cure zoning and in the past it's been given to developers as a loss of income for the city that could be used for permanent supportive housing in particular. And so I have strong reservations. I know how complicated all of this is. I have difficulty standing back there kind of understanding everything that was involved. But I can get some big concepts. And one of those concepts is that cure zoning has been used to give developers a pass basically on providing a revenue stream or providing affordable housing in the downtown area, not only downtown, but beyond downtown because the fee in lieu issue I think that provides resources that could be used for affordable housing and then also for supporting permanent supportive housing. So that's my primary concern. I know it's a very difficult issue to resolve. I think we need to use all of the resources that have been offered by those people who are wiser than I am in thinking of incentives and that kind of thing. I think we all need to make sacrifices, developers, citizens, everyone, in order to achieve a common goal, and that is the common good for this city. And that involves everybody of every income level. I would urge you to look at all the suggestions made. I would urge you to be very careful about staff recommendations on the cure zoning that every case be looked at very carefully. I think we are doing a lot of citizens a great sis defense in not looking for resources that can help them come up out of poverty, citizens who are on fixed incomes like I am, or citizens who are young and who don't have the kind of income that would allow them to work -- to live close to where they work. I appreciate your attention. Thank you.

Mayor Leffingwell: Susana almanza.

You had higher income people, but basically downtown and sixth street and all of congress had a lot of the shoppings that would serve the downtown. With the downtown plan I can tell you you've got it all wrong because the boundaries of downtown don't stop each of i-35. The boundaries of downtown is now in our communities and the heart of which was once the beario or the neighborhood. You can just go down sixth street. I can't even come up sixth street. I had an emergency and there were so many people that you really have one plain at nighttime -- one lane at nighttime because there are so many parties and people walking the streets drunk, whatever. All the way down to chicon. So you see this sixth, fifth and third street, all the bars and development is an extension because downtown has become so expensive that now they've crossed the highway and now they're into what was once our working, low income community, which we know, as you all know, has been so general trafide that we're having problems staying in that community. And when she talked about rainey street I can remember all my friends and the people who were there. And now it is. It's just another extension of the sixth street.

Etcetera just a bar. It's just a place. It seems like downtown and the extension is just about drinking and getting drunk and having a good time. And I'm real concerned about what the kind of environment we're setting for the new generation of people that it's all about just drinking and dripping and drinking. And not caring about what's happening to the people or the people that you're displacing in this. And I see not plan as a way of just further making sure that people of color will never be downtown. So that when you're downtown if it is people of color, it's going to be the rich people of color who can still mingle downtown. The poor and the working class people won't be there. Sure, you will need those low income wagers and they'll be fewer because you're going to pay a little bit more in order to change the dynamics of downtown. But I ask you to really look at what you're doing and what's becoming of downtown and how we are being forced further east because of the extension of downtown and because of cure and the downtown district business area and your dmu, all the different new zonings. [Buzzer sounds] I ask you to really look at what is really happening.

Mayor Leffingwell: Thank you. Angela hovas. You've already spoken. Okay. Ruby roth. Ruby roth? Apparently not here. Lee alexander. Jay tsain donating time is albert micenbalk. Ben shots. George (indiscernible). Mary ingalls. Not here. So you have up to 12 minutes.

Thank you, mayor, mayor pro tem and councilmembers. As a downtown resident and an officer of the judges' hill neighborhood association, my neighbors have asked that I explain our opposition to inserting the cure loophole into the downtown austin plan as a last minute maneuver. First I would like to give a brief history of our involvement with the plan and clarify the discussion with a few downtown map slides, which you have seen. And then list our reasons for opposing it. Finally I'll suggest a possible compromise solution. In terms of history, judges' hill is an historic garden district in the extreme northwest corner of downtown and one of austin's oldest neighborhoods. The diverse mix of apartments, townhomes, condominiums, professional offices within historic homes, a student co-op and many preserved old homes, one of which you see in this photograph. We sit between shoal creek, and a tree canopy of century olds oaks. Worker enjoyhe shade and a sense of history when they stroll and cycle through our streets. We first came on the downto pl when a statesman article map showed that a number of our backyards had been bisected and up zoned to heights of it was an initial proposal so we worked with you, your staff, consultants and iewr commercial neighbors. Four years, countless town hall meetings, endless compromises and over a million taxpayer dollars later, we came to support the plan, promise exromses and its many goes increasing downtown density. We're proud of those efforts which determined goals for our district and the neighboring northwest district shown in the upper left-hand corner of this map. The latter a transition zone between judges hill and the most intensely developed areas nearby. This is a density bonus map, of course. Downtown plan is a combination of urban planning tools that encouraged density in appropriate areas. While fostering predictability and a broad selection of community goals. The crux is the density bonus program you see mapped here. The hatched area, which includes judges hill and most of the northwest district, was judged after all of these meetings to be ineligible for a density bonus. To offer bonuses for cure in such areas would put a bown di on historic structures and old growth tree canopy and run counter to the goals of said districts. These are the goals for the defendant district which again develop with lots of public input, including preserving neighborhood, historical residential character, existing tree canopy, open space, I am prooving the pedestrian environment, conditions for bicycling, shoak and creek side trail the we felt strongly that the density bonus program strongly balanced these goals with density and increased tax basis. Then in august, staff for the first time without notice to us informed me that the careful balance of goals had been undone. They changed their planning commission approved plan by reen certificating a roop -- reinserting a plan called cure at the request of developers. This is a setback. Another detail in the plan that was carefully worked out. And this is in the northwest district where in order to protect that tree canopy and ensure that the shaded tree scapes would remain friendly to pedestrians, cycle lifts and workers alike would be maintained and there would be symmetry and order that you get with an urban plan without loopholes. Here we see that they have worked this out carefully. So I would like to add this to the planning commission's recommendations of things that would not be eligible to be undone by cure. In addition, they had recommended as your appointed (indiscernible) 7-0 unanimously that height and far not be included in entitlements that cure could allow them. These are the compatibility zones so these are things that replace traditional capability to take into account topography and allowing single-

family use as a category that would generate capability. And so you can understand the betrayal my neighbors feel when I talked them into a lot of these compromises where the staff can't even tell us now whether these zones of compatibility would trump cure whereas the old compatibility standards did. They're going to work that outgoing forward. They're also going to work outgoing forward where this applies. Is it the map for our -- the density bonuses? Is it the map for all of downtown or map for cure? We'll work that outgoing forward. Every plan has little things that you work outgoing forward. This is the crux of the plan. This is global stuff. Where is it? You can see that there are five blocks of judges hill in the cure map. None of judges hill and most of northwest district is excluded from the density bonus map, but all on the downtown map. So we feel like this came in at the last minute. Staff did not present a cogent argument for it. They can't tell us the details about it. Something happened behind the scenes that we can't get a handle on, but we feel like our four years was betrayed. So we know that before when there was a density bonus plan in cure, developers not ever, not once, chose the density bonus plan. We don't see how this is different. How strong can the hunger for tax base be? We need it, but we can't let it swap out everything else. The four years, a million dollars and the trust that we built up in local government has all been destroyed. So this is what we've got now. We're not a rainy street yet. No respect to the woman who spoke. I understand she's saying how do we get the tools back. I don't want to lose those tools. This house is filled with one of our many faims. A vibrant area now. We don't want to lose that. This is an oak that's four or five hundred years old in the neighborhood. If you start encroaching on a neighborhood like this with things that are too tall, too close, then it becomes non-viable. So I mentioned at the beginning that we would be willing to work towards a solution and so I'll summarize our reasons for opposition to cure briefly. Cow cure cure would undermine the integrity of the plan and open the process to politics, wasting our time by considering each individual case on an odd hock basis. We know from -- I'm going to skip some of this. When you ask developers to share said, how they haven't complied, that's not even why they aren't able to comply, but whatever the language, that's too low a hurdle to entrust austin's future downtown to developer politics as usual. We need developers, they're good, but you can't blame them. Their only obligation is to investors and to profits. Yours is to all of austin and its future downtown. Finally, in closing, the solution that we see, the biggest concern we have for our neighborhood is the neighborhood itself, judges hill, and the northwest panhandle adjacent to it. So what we would ask that you do is if you insist on leaving cure in place elsewhere in downtown, that you at least remove it from judges' hill and the adjacent northwest district as cure is incompatible with the goals that were established from stakeholders and would undermine the viability of the area. If you -- we would leave the issue of cure in the east austin development corridors, which are outside downtown and the downtown plan, up to stakeholders in those neighborhoods. We would have you clarify that cure won't allow projects to garner entitlements or approach set back which is a key to canopy preservation, beyond what the plan and density bonuses afford. I asked jim robinson whether or not you could go beyond the hoits that are allowed in the density bonus program in cure and he said that's not been established yet. That said, don't want you to delay the approval. We're exhausted. So we would like to go forward by having you remove cure at least from those zones and ensuring that the compatibility zones will trump cure as a compatibility standards did and to honor the unanimous recommendation. Thank you.

Mayor Leffingwell: Councilmember spelman.

Spelman: Just a couple of questions. Every time I walk or drive through your neighborhood I'm impressed with how far away you feel from downtown, how far away you feel from all of the activity. I notice from your photographs that the big oak tree that's four hundred years old or the great old houses that you are suggesting are right in the heart of judges hill. But I wonder if you build too tall, too close then the neighborhood becomes unviable. At some point I agree with you completely, but I wonder how close and how tall you need to stay away from in order to maintain the viability of that neighborhood? How close is too close? Do you really need a three-block boundary between judges hill and that capital downtown district?

Yeah. That's a good question. And some of those houses were not actually the 150-year-old house that was done by abner cook is actually sandwiched up against a 60-foot parking structure. You've never seen that a facade unless you crawl through the alley to see it. I said the same things to my

neighborhoods who have been there longer. There are houses that were along rio grande and west avenue. There's a transition zone there of professional offices that are well maintained. We've stepped up from the McMANSION HEIGHT OF THE Homes, 32 feet, to 40 and 60 and 90 and 100 and 120. So it goes up at that rate. And then it shoots right up to 400 feet. So that's what we decided was, gee, for those homes to remain viable we sat down in meetings with the developers and went back and forth. Again, four years. The hard part for us is gee, you pulled the rug out from under that. What was the point of it? So I think that there's really a three block area to go from single-family homes to 400 square feet is not too much. And what we did was we stepped it up a little slower before knowing that they're getting more far through density bonus and the homes that didn't get increased height and the others all got increased height through the density bonus program and increased 40 and 60 that can get double their far with the density bonus program. So I think that the three blocks is what we came up with and that my side was dissatisfied, the other side of course if I were a developer I would want as many entitlements as I can get. I think the three blocks is reasonable.

Spelman: I understand and I appreciate the fact that you were talking to the developers and that buffer zone. Over the last few months there have been property owners and some developers who believed that they were not invited to the table, have not been talking to you over the last three or four years. Have you talked to think of them?

We have. We felt we came late to the process because we saw it in the paper. It was in the paper again and again, but they didn't see it, as best I can tell, until the bicycle boulevard (indiscernible) because they were worried about it being a nueces as a street where it would interfere with the traffic. It didn't seem like a burning issue to them. There were still multiple meetings with the staff, with them and multiple changes made after they came to the table. So I still think it's been exhaustive. And that we've made real concessions. We were advised not to change capability by surrounding neighborhoods who have seen downtown enapproach beyond its traditional borders. We did it. It's happening at the airport boulevard there thing where they're changing compatibility there. We're being pressured from both sides, but we at the time like we had a good compromise. We worked out with roma who did a great job. The people who live in that end of the neighborhood r. Upset because they won't see the sun come up so early and they will have people looking down in on them. There are two sides to that. To us it's a tremendous asset, but no one has to pay for it. The public doesn't have to pay for it. It's there already. As you know we hosted the national trust tour when the convention came to austin. Frankly the people in the northwest district around us enjoy coming to the neighborhood. I think it's as far as we can go and it was fairly decided in that everybody in the northwest district got more entitlements either in terms of far or height from that already. And have a chance for more from density -- through the density bonus program.

Spelman: Coming late to the table it makes things less convenient for everybody else, but doesn't remove anyone's -- doesn't reduce anybody's capacity as a stakeholder. You still have the same stake even if you go two years late.

We had multiple meetings with them and we made multiple concessions. I think the whole process got delayed and what's fair? You could say they should have looked in the newspaper, but they're our neighbors, we have to live with them, we tried to work with them on this. If they hadn't had a chance for multiple meetings and concessions, then I think they would have a complaint there. But in fact, if you really want cbd you have to pay more for it. So I can understand wanting unlimited height in far there, but I don't think they can argue that they weren't hurt and concessions weren't made. They definitely were.

Spelman: I'll be able to get further information on this elsewhere, but just give me a sense for what I'm about to find out. Could you describe for me a minute or so what kind of concessions you made or compromises you made with scottie sayers, susan harris and the other property owners.

Scottie's was an individual case for his building, which had a small hot lott. We told him we would alter

his setbacks. And we wanted to go with the property and scottie said no, this is for my daughters to inherent. We always do things about the property. We try to be fair that way. We offered to support everything until that point and didn't. With the others what we did was we went for the d.m.u. 40 And d.m.u. 60. Which allow additional uses to them. We went for the doubling of far's within the density bonus program and the stepping up of those heights. The setbacks actually that roma developed, some were smaller than they had been because it was an average set back. What matters visually to the urban planners is where the curbs are. Some had almost no right-of-way on the path to curb, others had a lot. That got straightened out. Cure would be punching a whole in all that. Whenever someone asks it becomes an individual case and unlike you -- unlike the adjustment board, they can't be lobbied and they're not elected and we feel if it's a variance, that's the appropriate place for it to be because it takes politics out and you end up doing it based on the project and the location rather than your relationship with the applicant frankly.

Spelman: Your bandwidth to -- never mind. The number of words you use per minute is greater than my ability to understand. [Laughter] fortunately we have a transcript and I can talk to jim, who speaks at a reasonable rate of speed and jim can help me walk through all the stuff that happened. I appreciate you coming and I appreciate you being willing to talk with those neighbors.

Sorry. I was trying to hurry because everyone is so tired. Thank you.

Mayor Leffingwell: Julie jackson. Julie jackson is not here. Megan micenbalk. Declining to speak. Thank you. Steven allah mon was actually donating time to you. Is he here? No. Richard blount? Donating time is ron johnson. Ron johnson here? He's not here, so you will have three minutes.

I didn't know anyone donated time to me. I'm not really against the downtown austin plan. There are a lot of great things in it. I am concerned about one component of it. I'm a property owner in the warehouse district and it's cedar street, touche and m 2 and (indiscernible). And it my single largest investment by far of anything I have and I'm counting on things like that for my retirement. And I think that down zoning it to 45 feet is going to devalue the property. Changing the zoning like that isn't going to keep change away. There's -- there's the rainy district, south congress, there's lots of competing venues, areas that are affecting the business in the warehouse district. And there's no guarantee that it's going to stay the same. I mean, 10 years from now it may be that it's hard to hold any tenants there. And you're limiting owners' ability to manage that. I understand that it has a unique character. It's unique to austin. There has to be a way that we can kind of attempt to maintain that character, but also preserve the right of the owners. You can still have -- we talked about standards. We have maybe a form standard where you can keep a pedestrian scale and then step back from that and then build up higher. So -- another thing is to preserve the district, help from the city to maintain its viability or improve its viability would be worthwhile. Like great streets on fourth street down to the park would be a great thing and it would -- the more thriving it is, the less likely anything is going to change, anyone is going to want to change. I don't want to change it. i think it's great the way it is. But if things change in a negative way then I want to be able to react to that. And limiting the height to 45 feet limits my ability to do anything. Whether it's the value and i want to sell it to someone else and can do something with that. Also designating -- the buildings have character, but they're not historic. They're not architectural specimens. They're brick buildings, rectangles. So you can still have -- if you had some standards that kind of preserve the different sidewalk heights or something like that, but allow us 10, 20 years from now to replace it with something and build up, that would be useful. I think that would accomplish both -- everyone's goals. [Buzzer sounds] fff thank you.

Mayor Leffingwell: Thank you.

Spelman: Mayor? Sir, how do you feel about the proposal, alternative proposal I've heard to keep the storefronts, but add a setback, go up above 45 feet?

I think those are much more appealing than what has been put into the plan. And I think you're talking

about density in downtown, you're cutting off -- all this area is not in the view corridor and can be developed and you want to add density downtown and you're cutting that out.

Spelman: From the street view you won't be able to see how tall the building is, but it will actually have considerable height. Yeah.

That would be worthwhile.

Spelman: Thank you, sir.

Thank you.

Mayor Leffingwell: Rick demont -- red demont? Not here. David warner?

Mayor, city council, I've got a letter that we sent to you on april 12th, 2011 with regard to the panhandle and the downtown plan. I won't read it, but basically our contention is that the whole, at least from rio grande east, should be part of the north capital area and not the so-called northwest plan. tasan had to say, and those properties and he's concerned about encroachment, are actually west of pearl. And they wouldn't even see a 200-foot building between san antonio and nueces. And it's a fantasy to think that those are connected with what is in the panhandle. Now, historically the whole area from west to san antonio has either been or multi-family since 1979. This is substantially reducing the development capacity of this. You could make an argument that between west -- the neighborhood association started at west. If you look at their website until about a year and a half ago it started at west. On the east slope of the hill and then they're trying to apply -- apply things to property that is 30 feet or 60 feet below. For our property if you went 60 feet high you would still be below street level at west. Then at west we have three story buildings, and then behind that we have the traditional judges hill. So it's just the most bizarre kind of presentation that they've continuously made. They have not agreed to -- I'm not familiar with any significant cooperation on their part. I would just say that if you really are interested in low income housing, if you're interested, you've got eight or 12 square blocks here which are not in the capitol view corridor. Many places would support a substantial building which could be for low income housing or could be mixed or could generate set asides. I have no intention of our property, of ever doing that, but I would hope that you would all go and actually look at this area. In other words, we hear a lot of wild statements about judges hill, but I would say walk along san antonio street and ask yourself if you want these kinds of setbacks, if you want the 60-foot limitation and limited far for an area that could generate substantial taxes -- [buzzer sounds] -- and really lead to the kind of city you want.

Mayor Leffingwell: Thank you.

I hope before you vote you actually will walk and look at it. That's all I have to say.

Mayor Leffingwell: Those are all the folks that I have signed up wishing to speak. Is there anyone else in the chamber wishing to speak on this item? If not, council? Mayor pro tem.

Cole: I just have a couple of questions for robertson and I promise they are brief. The I am lement -- implementation strategy that we've been talking about had some discussions about development of government owned land. Can you previously update us on that point?

Well, there are actually some recommendations with regard to government owned land sort of scattered throughout the report. I mean, those do offer opportunities for achieving some community benefits, including affordable housing that might not be achievable. Through a purely private project. That's one reference to it. We've also, as you know, we've worked, been working with the texas facilities commission and are trying to coordinate our efforts with the efforts of the texas facilities commission with regard to potential redevelopment of some parcels in the state capitol district. So those are a

couple of references to how we've made some recommendations with regard to public land moving forward. If there are particular things --

Cole: No. That's exactly what I was getting at. I appreciate all the work that you've done and all the comments by the speakers. And I did want to highlight that the state of Texas is talking about redeveloping its capitol complex and all of the area around the capitol, and that will be a major I guess game changer in downtown along with the Waller Creek district and the potential medical school. And because of those upcoming ventures and wanting to make sure that we have all the references to those and that those are at least a part of our potential long-term strategy, I have asked that we postpone our actual vote on the item, but I appreciate the recommendations that you have made and I want to move that we keep the public hearing open, but that we will consider our actual vote downtown plan on NOVEMBER THE 3rd.

Mayor Leffingwell: Mayor pro tem Cole moves to keep the public hearing open and postpone this item until NOVEMBER 3rd. Second by councilmember Morrison. Further discussion? Councilmember Morrison.

Morrison: I have a question for -- one question. First I want to thank you for all your work on this because this is a vast, huge body of work that's been through a tremendous amount of discussion. The whole economic development plan. In terms of the nitty-gritty of what we need to get through before we can adopt the plan, I see the core issue I see the warehouse issue and the conditional use for a cocktail lounge. So that's pretty darn good because this is a darn -- it covers a lot of things. So I congratulate you on that. I had one question about the warehouse district. So can you talk a little bit about the alternative that was suggested tonight, why that -- why staff did not feel like that was what they wanted to recommend for the plan, the alternative of keeping a certain height limit, the 45-foot height limit at the street set back, and then what a way in allows some height?

First of all, thank you for your compliments. I take them in the spirit you offer them, which is out of 187 pages of plan, if we're down to five or so items, really if we need more refinement, then thank you. With regard to the warehouse district, we looked at a lot of options and one of the things we did recommend actually is not only in that core sort of inner sanctum of the warehouse district along fourth street between Lavaca and Colorado, but in a broader warehouse district we made a set of recommendations on design guidelines including facade recommendation, stepping back any new construction from the facades. With regard to that core area, which is the one block area along fourth street between Colorado and Lavaca extending from fourth to the alley on the north and fourth to the alley on the south, based on stakeholder input there were a lot of people who valued that as a highly treasured resource, historic resource center of downtown. Our recommendation was that the most effective tool to preserve that precious resource was the 45-foot height limit and a concern that anything short of that would not achieve the goal of truly preserving that as the resource that it is.

Morrison: And I gather that if you were to allow the facade and stepping back a certain amount so you could have a sense of that and then allowing height, there's not really that much. The geometry that could be really challenging.

It could be. And we have something similar along Congress Avenue. There is a step back in effect. One distinction between Congress Avenue and fourth street is that the Congress Avenue parcels are actually deeper. It's one of the few deviations from the Waller grid surviving from 1839 in our downtown. Those blocks along Congress Avenue are a little deeper. So a step back on Congress Avenue has a little bit less of an impact upon -- there's more of a building envelope leftover after a step back along Congress therein there would be along fourth street. We haven't done the calculated sort of -- the complicated building geometry analysis to figure out okay, if you put a step back and is there really enough left to build a viable high-rise behind them. I think it probably would be challenging.

Morrison: Thank you very much. I appreciate that. And I want to say thank you to everyone who has

stuck with us all day long, and were willing to come and share your thoughts with us. Spel spell one of the issues you've mentioned is on my list and there's another I would like to definitely add. Did you mention the commercial density bonus issue before? You did not. Let me mention that. We put two more issues on your list of things for us to consider over the next month. One is the potential extension in some form of a density bonus program to commercial properties. Maybe not on a 100 speakers 100% basis. If we put a tax basically on additional density for one class, but not for another class, then we will be provided an incentive of people to be building more and more commercial and less and less residential simply to avoid the density bonus program. It seems to me it makes sense for us to consider some extension to the density bonus program for the commercials as well. You are I would like to see a revisiting the panhandle of the northwest corridor. I don't know enough about the height limitation, the far limitations in that the panhandle, to know whether i would have done it the way that we've done it or not. It seems to me it's worth looking at again. I've heard from several people in the last couple of weeks independently come up to me and talk about how well they believe the far, the height restrictions of the panhandle are, shorter than necessary to provide judges hill with a proper boundary between the unlimited height of the capital district and then the judges hill area itself. I want to be sure that the judges hill will be a proper boundary and I understand how important it is for them to do that. I wonder whether or not three blocks is too large an area or whether that's the proper stepping up to go from the judges hill residential area height limitations all the way up to the 400 on the capital area. I'd like to talk further about that over the next month.

Mayor Leffingwell: Any other comments? Councilmember martinez.

Martinez: Thanks, mayor. I know it's a long night. Real brief. I share a lot of the concerns that everyone has already discussed. I won't revisit that. But I will bring up some concerns laid out by some of the speakers and that i voiced on tuesday. I wanted to ask jim, was there any consideration of extending the plan through the cure zones east of i-35 ON MLK, 11th STREET AND I Believe six and seventh street?

You mean extending plant through cure -- I'm in the sure I follow you.

Martinez: Those are areas that have an overlay. A cure overlay. So what susana was saying is already largely happening. There's this -- she uses the word gentrification, I use a different term. It's new people moving in that vicinity historically been in those areas. I just feel like I really agree with her in her statement that if we adopt a downtown plan and we don't take into consideration the impacts and effects that it's going to have on east austin, more stuff will continue to be pushed east of i-35. I wish we would have implemented the homestead preservation district because for me that was the perfect tool to what susana is talking about in terms of folks getting some tax relief on their properties in east austin. We still haven't been able to get that thing in place. I think it creates more of a priority to get it in place now if we're going to adopt a downtown plan and try to create this vision and development in the urban core. Because if they can't make it happen in the urban core they will get as close as they can and the best opportunity for that and the cheapest opportunity is east of i-35.

Well, we have confined our recommendations to the planning area that was identified by the council resolution back in 2005 that initiated the process, which set the boundaries for the downtown plan. So no recommendation, whether it pertains to cure or anything else in the plan, is intended to have any effect outside of those boundaries. Going to your broader point, though, I tend to agree with you, and I think we have in the plan made a lot of recommendations that we believe will facilitate your community goal after denser downtown. Whether you're talking about east austin or far southwest austin, the more we can accommodate downtown, the closer wet get to our sustainability goals to a city and so forth. So we have I think gone to great lengths to try to take measures that reasonably accommodate a lot of density downtown. But we don't make any recommendations for regulations plus or minus outside of that boundary, including east austin.

Martinez: Understandably. But I wanted us to make sure we have a conversation about this issue that I see coming. So as it relates specifically to the conditional use permit, I'm not necessarily opposed to

that. I think there's some value in talking about a conditional use permit for cocktail lounge use in the cbd. But guess what happens when you stop it at i-35? Every bar that wants to open is going to go east six, east seventh, east 12th, east mlk, and that is not what we want to happen. We want true revitalization in that area. I want all of us to really think about that because the relief valve for a conditional use permit in downtown is the edge of downtown, west, north, south and east. I think we could have some really heavy consequences. Thanks, mayor.

Mayor Leffingwell: Sounds to me like we're a long way from downtown plan. Sorry to say that. Sounds to me like there's a lot of outstanding issues. Anyway, motion on the table and with a second to postpone until NOVEMBER 3rd. All in favor? Opposed say no? It passes on a vote of seven to zero. We have one remaining item. Councilmember riley moves to extend the meeting past 10:00. Councilmember tovo seconds. All in favor say aye. Opposed say no. It passes on a vote of seven to zero. Item number 30. I apologize for those who may still be around for having to wait so long. This item was inadvertently swept off with the consent agenda approval. It was not on consent, but we'll take it up now. There are several folks signed up to speak. I doubt if any of them are here. Heather fazio. Is she here? Lisa smith? Monique drew? Not here. Those are all the folks we have signed up to speak. Councilmember martinez moves to approve item 30. Seconded by councilmember spelman. Discussion? All in favor? Opposed say no? It passes on a vote of seven to zero. And those are all the items that we have on our agenda for tonight. So without objection, council, we stand adjourned at 10:06 p.m. Cler